Google

This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at http://books.google.com/

2 vols

6/-

GENERAL LIBRARY
UNIVERSITY OF MICHIGAN
ARTES · SCIENTIA · VERITAS
1817

LF
109
.D99
V. 1

98 —— Dyer's (George) Privileges of the University of Cambridge, with Additional Observations on its History, Antiquities, Literature, and Biography. 2 vols. 8vo, *hf. cf. gilt.* 6*s* 1824

W D Macray
1852

THE

PRIVILEGES

OF THE

UNIVERSITY OF CAMBRIDGE;

TOGETHER WITH

Additional Observations

ON ITS

HISTORY, ANTIQUITIES, LITERATURE, AND BIOGRAPHY.

BY GEORGE DYER,

AUTHOR OF THE HISTORY OF THE UNIVERSITY AND COLLEGES OF CAMBRIDGE, IN TWO VOLUMES.

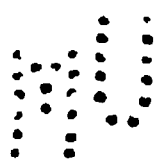
IN TWO VOLUMES.

VOL. I.

London:

PRINTED FOR LONGMAN AND CO., PATERNOSTER ROW; PAYNE AND FOSS, PALL MALL; HUNTER, ST. PAUL'S CHURCH YARD; DEIGHTON, CAMBRIDGE; AND PARKER, OXFORD.

1824.



J. G. Barnard, Skinner Street, London.

Reg. St.
Parker
6-14-48
62987
2V.

ADVERTISEMENT.

THE Editor feels sensibly the perplexities in which the present Work has involved him, and the objections to which the publication of it is exposed. Against the latter he endeavours to provide in the proper place; and to the former he must be contented to submit. Still there are two or three particulars, which he begs leave to take notice of here.

Of the general imperfections of the volumes he cannot be ignorant, nor of the dislikes which particular persons will have towards parts of it. Thus—the proper place for the Latin Dissertation to be read is at the beginning of the first volume; and the only reason for placing it in the second was to preserve some appearance of uniformity in the size of the volumes. Now a long Dissertation, and in Latin, at the beginning, will be a sufficient reason, with some persons, to lay it immediately aside. It is a bar at the very entrance. It will be deemed to savour of pedantry, if not of that species of vanity, which borders on impertinence. Even those disposed to peruse it, the presumption is, will come prepared rather to criticise, in parts, the Latinity, than to wade through the whole long course of Latinized argumentation. The writer admits, that there is apparent room for much censure on this head, has given the reasons for his conduct, and endeavoured to remove objections in the Address

to his Subscribers; and he repeats here, that he stept, as it were, insensibly into this way of proceeding: all he intended, at first, was a Dedication, which he thought, in conformity with the greater part of the Privileges, would appear better in the Latin language than in the English, and that some things could be better said in that tongue, than in our own. But he has little reason to make pretensions, or to invite criticism. Since he left school and college, he has had few occasions of attempting Latin composition till of late years; and he is aware, that such as are critically acquainted with the niceties and elegancies of the Roman language, will find, in such a lengthened production, ample space for their animadversions.

As to the length of this Dissertation---the truth is, that the writer ventured to speak on a few points, which some might think he had better not have touched upon at all. This, too, he felt himself, so far as prudence was concerned: but having gone a certain length, he found it necessary to proceed; for there are certain cases, in which nothing is said or done without amplification. Declarations or propositions, and more particularly on delicate, disputed points, may, without a proper statement of facts, and a due mixture of arguments, appear like baseless assertions, or impudent dogmas. When the mind, too, breaks loose in quest of ideas, which (though familiar to it once) it may have lost, you cannot answer for its return: it is apt to lose all sense of distance; and writers, unfatigued by their own discursions, are

apt to forget, that their readers may not possess the same degree of perseverance. Here, also, the writer perceives many repetitions, more, indeed, than he was aware of: for the English part of the volumes having been worked off a considerable time, and the sheets not being before him when he composed the Latin Dissertation, he finds he has brought together again several things, which being strongly impressed on his mind, followed in the natural order of his ideas; but having been spoken of in part elsewhere, they may be justly censured as repetitions.

With respect to the Latin Dissertation, to be still more particular, it may be thought by some, that the term, Generalis Dissertatio, and the manner of handling it, contradict what the writer states above, and in his Address to his Subscribers, to have been his original intention in writing it, viz. to make a short address, in the form of a Dedication: but the truth is, nothing more was intended, than to give a summary view of the contents of the volumes, with his reasons for publishing them. Such a summary, as it lies in the mind, is a sort of bird's-eye view, and may seem to occupy but little space there; but when put on paper, it falls, as it were, into perspective, and may run out to unforeseen length, and uncalculated varieties. It was done by piecemeal. The title was of subitaneous recollection; and those articles which run out to the greatest length, in the event, did not enter into the original design. These are the best reasons, which he can give, as an apology for the plan itself, and in explanation of its

TABLE OF CONTENTS,

VOL. I.

PAGE

Index of the first Volume of Charters and other Public Instruments, contained in the Great Register in the University Chest.

From A.D. 531, to 915 3
Under Henry the Third 4
Under Edward the First ..... 8—11
Under Edward the Second ..... 12—14
Under Edward the Third ..... 14—20
Under Richard the Second ..... 21—29

Index of the second Volume.

Under Henry the Fourth ..... 31—33
Under Henry the Fifth ..... 34—37
Under Henry the Sixth ..... 37—40
Under Edward the Fourth 41
Under Richard the Third 41

Index of the third Volume.

Under Henry the Seventh ..... 43—44
Under Henry the Eighth ..... 44—46
Under Edward the Sixth 47
Under Philip and Mary ..... 48—49
Under Queen Elizabeth ..... 49—51
Under James the First 52
Particulars not in the Register ..... 52—53
Charters and Bulls, and other Public Instruments ..... 55—96

PAGE

An Abstract of the Award between the University and Town ..... 97—102

Lady Margaret's Lecture 103

Lady Margaret's Preacher 104

Sir Robert Read's Endowment 104

Complaint of the Town against the University 105

Memorandum annexed to the University's Answer 106

Literæ Hen. 8vi. de Stationariis 107

Extract from a Paper, called, Decretum Saccarii 109

A Letter from the Privy Council, relating to the Sheriffs and Mayor, and Proctors, acknowledging Offences against the Proctors at Sturbridge Fair 111

Order and Decree relating to James Fletcher, Mayor of the Town of Cambridge 112

Queen Elizabeth's Charter, A.R. 3tio..... 113—131

Queen Elizabeth's Charter, A.R. 31..... 133—135

James the First's Charters de Burgensibus, et Universitate ..... 135—137

Vice-Chancellor's Precedency 138

Various Orders of Privy Council ..... 142—148

Charters and Concessions to the Town of Cambridge 149—152

Extracts from the Black Book in the Vice-Chancellor's Custody ..... 153—156

Queen Elizabeth's Statutes ..... 157—210

Decrees of the Senate, or Graces ..... 213—272

Interpretations of Statutes ..... 277—299

Decrees of the Heads ..... 303—342

Royal Letters ..... 343—375

Two English Dissertations, on several matters contained in the above articles ..... 377—558

English Manuscripts in the Public Library ..... 559—581

Oriental Manuscripts in the Public Library ..... 581—587

Buchanan Eastern Manuscripts..... 587—594

Æthiopic Manuscripts—Inscriptions on Copper and Imperial Persian Letter ..... 594—597

PAGE

Greek Manuscripts in the Public Library .....597—603
On the Codex Bezæ, in the Public Library.....604—611
Account of Archbishop Parker's Collection of Manuscripts in Bene't College .....612—617
Account of Wickliffe's Manuscript New Testament, and some other Manuscripts in Emmanuel College Library ..... 618—624
Latin Manuscripts, in the Public Library .....625—627
Additional List of Greek Manuscripts, in the Public Library ....628—630

INDEX COLLECTIONUM

The Index to the Register's Copy.

ROBERTI HARE, ARMIG.

QUÆ INSCRIBUNTUR UT SEQUITUR.

AD Honorem et Gloriam Dei Omnipotentis Domini nostri Jesu Christi Salvatoris Mundi, ejusdemq. gloriosæ et beatissimæ Genetricis Mariæ Virginis, Sanctorumq. omnium cœlestium, Ego Robertus Hare Armiger hoc Opus Privilegiorum, Libertatum, aliorumq. Rescriptorum Negotia almæ et immaculatæ Universitatis Cantebrigiæ concernentium, ex Archivis regiis, variisq.. Registris antiquis, et Monumentis fide dignis, magno Labore et Sumptu in hunc Ordinem per Regum seriem Collegi, et in tria volumina redegi, in Favorem et Commodum tàm Modernorum quàm futurorum venerabilium Cancellarii, Magistrorum, et Scholarium ejusdem celebratissimæ Universitatis. Si quid eis cedat in Commodum, sit Honor et Laus Deo, et mihi Peccatori in Salutem Animæ. Amen.

An. 1587. Robertus Hare Armiger *Magnum Registrum novum* de omnibus Chartis et Monumentis Libertatum et Privilegiorum Universitatis ac Burgi condidit et collegit.

"This *Magnum Registrum novum* is, I suppose, in the chest; and from this both the Vice Chancellor's and Register's copy of Hare were taken by Hare himself, An. 1589."

See Titles to the Vice Chancellor's copy of Hare, vols. 1 and 2.

INDEX PRIMI VOLUMINIS.

CHARTÆ ANTIQUÆ.

"HæChartæAntiquæ una cum Bullis omninò videntur esse fictitiæ." C. A.

A. D.

1. CHARTA Regis Arthuri de Immuni-
531. tate Scholarium ab omnibus sæcularibus Servitutibus et Regalibus Tributis. Fol. 1.

2. Bulla Inhibitionis Papæ Honorii primi, ne quis Ordinarius aut visitator Scholares molestare
624. præsumat: et quòd Authoritate Universitatis Scholares contumaces Ecclesiasticâ Sententiâ percellantur. 1.

3. Charta Regis Cadwalladri super Concessione Jurisdictionis Rectori in Scholares: et Pro-
681. hibitio ejusdem Judicibus suis ne Scholares inquietentur, vel coram eis placitentur. 2.

4. Bulla Decreti Papæ Sergii primi, ne Ordi-
699. nariis liceat Scholares Censuris gravare: et ne quis eorum Privilegia audeat infringere. 3.

5. Charta Regis Edvardi senioris confirmans
915. universa Privilegia à se et suis Predecessoribus Universitati data. 3.

6. Tabula Antiqua de Origine, multiplici Destructione, et Reædificatione Universitatis Cantebrigiæ. Cujus Author Historiam prosequitur ab Anno à Creatione Mundi 4321 ad Annum Christi 924. " This is said to be taken Ex magno Co-

dice Universitatis, but it seems no better than an idle Fiction; though the preceding Charters, Nos. 1. 3. 5. are coppy'd from it." 3.

7. Certificatorium de Mansuris et Custodiis in Burgo Cantebrigiæ Tempore Regis Willihelmi Conquestoris. 10.

HENRICUS TERTIUS.

A.D. AN.REG.

1229. 13°. 1. LITERÆ Patentes ad Universitatem Parisiensem transmissæ pro Scholaribus invitandis, ut se studii Causâ in Angliam transferant. Fol. 13.

15°. 2. Literæ regis quòd Vicecomes reprimi faciat Insolentias Clericorum et Scholarium in Obedientiam ad Significationem Episcopi Eliensis, et juxta Discretionem Cancellarii et Magistrorum, vel per Imprisonamenta Corporum, vel per Bannitionem ab Universitate. 13.

15°. 3. Literæ Regis quòd Vicecomes clamari faciat contra Clericos fingentes se esse Scholares. 13.

15°. 4. Literæ Regis ad Episcopum Eliensem quòd castigentur Clerici contumaces et Cancellario rebelles vel per Imprisonamentum vel Bannitionem. 14.

15°. 5. Literæ Regis quòd secundum Consuetudinem Universitatis (nim. per duos Magistros et duos probos et legales Homines de Villâ) Hospitia taxentur, et secundum eorum Taxationem Scholaribus locentur. 14. Vid. Inf. 5. 21.

6. Rescriptum Gregorii Papæ IX. ad Priorem de Bernewell et Cancellarium Universitatis de quodam Statuto observando pro Custodiâ sigilli Monasterii Westm. sub tribus Clavibus. 14.

A.D. AN.REG.

Confirm. Inf. 9. 19.

26°. 7. Literæ Regis quòd Vicecomes imprisonet Clericos Malefactores ad Mandatum Cancellarii in Defectu Burgensium, et eosdem ad Petitionem Cancellarii, et non antea, liberari faciat. 15.

33°. 8. Literæ regis quòd Vicecomes abstineat se a Captione Scholarium prioribus Regis Literis non obstantibus. 15.

39°. 9. Literæ regis Vicecomiti transmissæ de Libertatibus Academiæ conservandis. 15.

45°. 10. Commissio Regis ad audiendum et terminandum de Perturbatoribus Pacis in Damnum Scholarium Universitatis. 16.

45°. 11. Mandatum Regis Vicecomiti Cantebrigiæ eodem Die et de eadem Re transmissum. 16.

45°. 12. Breve Regis ad Discordias tollendas inter Universitatem et Populum Burgi Cantebrig. 16.

45°. 13. Licentia Regis Magistris et Scholaribus Academiæ Cantebrigiensis concessa, ut Northamptoniam adeant, et ibidem ad scholasticam Disciplinam exercendam commorentur. 16.

45°. 14. Literæ Regis quòd Major et Ballivi Villæ Northamptoniensis recipient in Municipium suum dictos Magistros et Scholares. 17.

45°. 15. Commissio Regis ad inquirendum et puniendum transgressores in Villâ Cantebrigiæ tam Clericos quam Laicos. 17.

45°. 16. Ne Justiciarii Regis intromittant se in Transgressionibus audiendis et terminandis inter Scholares et Laicos. 18.

45°. 17. Perdonatio Regis concessa quibusdam Pacis Perturbatoribus de Burgo Cantebrigiæ de quibus supra. Pag. 4. N°. 10. 18.

A.D. AN. REG.

45°. 18. Literæ Regis quod Vicecomes prædictam Condonationem clamari et teneri faciat. 18.

45°. 19. Literæ Regis Viceconiti Norf. et Suff. super eadem re eodem Tempore. 19.

49°. 20. Literæ Regis quod Universitas in Villâ Northampton. novitèr incepta penitùs amoveatur. 19.

50°. 21. Literæ Patentes quòd Domus a Scholaribus inhabitatæ taxentur per duos Magistros et duos Burgenses de quinquennio in quinquennium. 19. Confirm. per Chart. An. 20. Edv. 1mi.

52°. 22. Literæ Patentes de duobus Aldermannis ad Pacem conservandam Majori et Ballivis associandis, et de Inquisitione pro suspectis Hospitantibus fienda. Item de Regratariis, laicis Clerico vim inferentibus, et Clerico laicis: de Pistoribus, Braciatoribus, et vina Vendentibus: de Tentatione Panis, Assisâ Cervisiæ, et Mundatione platearum. 20. Confirm. per Chart. An. 20°. Edv. 1mi. Vid. etiam has Lit. Confirm. et auctas An. 10°. Edv. 2di.

53°. 23. Literæ Patentes quòd Vicecomes reprimi faciat Insolentias Clericorum Malefactorum in Defectu Burgensium ad Requisitionem Cancellarii. 21. Confirm. per Chart. An. 20°. Edv. 1mi.

54°. 24. Compositio inter Scholares et Burgenses Cantebrigiæ Auctoritate regiâ confirmata. 21. Confirm. per Chart. An. 20°. Edv. 1mi.

54°. 25. Literæ Patentes ne fiant Torneamenta vel Hastiludia in Villâ Cantebrigiæ, seu per quinq. Milliaria circumquaq. 22. Confirm. per Chart. An. 20°. Edv. 1mi.

54°. 26. Aliæ Literæ super eadem Re. 22.

27. Historioia ae Iolano Priore Bernewellensi, ubi de stipendio decem Marcarum concessarum duobus Capellanis ad celebrandum pro Animâ Wil. de Kilkenny. 22.

28. Scriptum ejusdem Prioris obligatorium de eadem Re. 23.

A. D. AN. REG.

54°. 29. Scriptum aliud de eadem Re. Vid. inf. 8. 7. 24.

30. Historiola de Adventu Hen. 3tii. ad Villam Cantebrig. et de quibusdam Propugnaculis ibidèm a se positis. 24.

EDVARDUS PRIMUS.

1273. 1. COMPOSITIO inter Cancellarium et Rectorem Ecclesiæ Sancti Benedicti super Pulsatione Campanæ. 28.

Vid. Stat. Antiq. 57. 1275. 2. Compositio inter Cancellarium et Magistros Universitatis, quod Procuratores possint convocare in Defectu Cancellarii. 28.

Hic habetur aliquid de Orig. Nund. Herbr. 1275. 3°. 3. Certificatorium Burgensium Villæ Cantebrigiæ de quibusdam Articulis tàm Universitatem quàm Villam tangentibus. 28.

4. Scriptum Domini Hugonis Eliensis Episcopi ad Cancellarium et Universitatem, in quo declarat, quod per Literas, secundum Negotiorum Diversitatem, non intendit derogare Privilegiis Universitatis, nec Cancellarii Jurisdictionem perturbare, quin ad eum in primâ Instantiâ appelletur. 32.

Hoc consule de Magist. Glomr. 1276. 5. Aliud Scriptum ejusdem Hugonis Limitans Jurisdictionem tum Archidiaconi Eliensis, tum Magistri Glomeriæ, et Cancellarii Universitatis. 33.

A. D. AN. REG.

9°. 6. Placita coram Justiciariis Regis apud Stratford de quibusdam Tenementis in Cantebrigiâ Universitati concessis. 35.

14°. 7. Placitum inter Cancellarium Universitatis et Priorem de Bernewell pro Decem Marcis ab eodem Priore annuatim solvendis. Vid. Sup. 6. 27, 28, et Inf. 11. 21. 36.

14°. 8. Placitum inter Cancellarium Universitatis et Rogerum de Rydlingfeld Capellanum de jure trium Tenementorum in Cantebrigiâ. 36.

1287. 9. Mandatum Domini Johannis Peckham Archiepiscopi Cantuarensis de Inquisitione faciendâ contra Religiosum quendam eundem Archiepisc. et Clerum defamantem. 37.

18°. 10. Placitum inter Priorem de Bernewell et quosdam Magistros super Taxationem et Locationem cujusdam Messuagii ejusdem Prioris in Cantebrigiâ secundum Consuetudinem Universitatis. 37.

20°. 11. Literæ Patentes quibusdam Personis in Cantebrigiâ transmissæ de Compoto Pavimenti ibidèm nuper facti audiendo et terminando. 38.

20°. 12. Charta de Confirmatione Privilegiorum Antiquorum Universitatis. In hac Literæ Hen. 3^{tii}. 21, 22, 23. 25, et Compositio Sup. 6. 24, recitantur et confirmantur. 38. Recitat. et confirm. An. 2°. Edv. 2^{di}.

21°. 13. Literæ Regis ne incarcerati ad Mandatum Cancellarii liberentur per Majorem et Balivos Prætextu Brevium Regis. 41.

21°. 14. Literæ Patentes quod Victualia Regratariorum forisfacta assignentur Hospitali Sancti Johannis ad Sustentationem pauperum Scholarium Universitatis. 41.

22°. 15. Breve de ad quod Damnum pro quatuor Messuagiis et triginta Acris Terræ in Can-

A.D. AN.REG.

tebrigiâ per Rogerum de Rydlingfeld Capellanum, Cancellario et Universitati concedendis in Manum Mortuam. 42.

22°. 16. Literæ Patentes de associando Magistrum Galfridum de Pakenham pro Compoto Pavimenti audiendo. 43.

22°. 17. Sententia Hugonis Episcopi Eliensis super Concordiâ factâ inter Cancellarium Universitatis [Hen. de Boyton] et sibi adhærentes ex unâ Parte, et alios magistros in Theologiâ cæterisq. Facultatibus ibidem Regentes et sibi adhærentes ex alterâ. 44.

18. Forma Juramenti, obtentâ Confirmatione Episcopi, a Cancellario Universitatis præstandi. 45.

Confirm. inf. 12. 3.

22°. 19. Confirmatio Literarum Hen. 3tii. de Clericis ad Mandatum Cancellarii incarcerandis. Vid. Sup. 4. 7. 45.

27°. 20. Placitum super Querelâ Thomæ de Sutton Scholaris contra Magistrum Stephanum de Heppeworth Cancellarium Universitatis et alios de falso Imprisonamento. 45.

27°. 21. Placitum coram Justiciariis Domini Regis inter Rogerum de Thornton et Universitatem de quibusdam Tenementis in Cantebrigiâ ad Universitatem spectantibus. 47.

22. De quadam Consuetudine pro Domibus et Scholis in Universitate locandis. 47.

Certain Tolls were granted the Town for paving their Streets, and these two Letters, and 11 and 16 above, are Commissions to audit the Accounts of the Toll-gatherers and Managers of the Paving.

28°. 23. Literæ Patentes de Compoto Pavimenti reddendo coram Cancellario. 47.

31°. 24. Aliæ Lit. Patentes super eadem Re. 48.

33°. 25. Commissio Regis ad inquirendum et certificandum de perturbatoribus Scholariuin. 48.

33°. 26. Petitio Universitatis in Parliamento facta, ut Cancellarius habeat Cognitionem Placi-

A. D. AN. REG.

torum de Contractibus et Conventionibus inter Scholares et Laicos Universitatis non obstante Prohibitione. Cui Responsum est: "Sicut habet Universitas Oxoniensis, ita habeant." 49.

33°. 27. Literæ Patentes quòd Scholares possint convenire Laicos coram Cancellario in omnibus Actionibus Personalibus, non obstante Prohibitione regiâ. 49.

33°. 28. Literæ Patentes quòd Vicecomes proclamari faciat contra Torneamenta et Hastiludia cum fuerit a Cancellario et Scholaribus requisitus. 49.

29. Eædem Literæ. " Copied from another Register." 49.

34°. 30. Instrumentum de Concordiâ factâ inter Universitatem et Conventus Fratrum prædicatorum et Minorum Cantebrigiæ. 50. Ex Statut. Antiq. 1mum. 167mum. 168mum. hic recitantur.

31. Finis levatus in Curia Domini Regis inter Universitatem et Priorem de Bernewell, super Jure cujusdam Stipendii decem Marcarum duobus Capellanis solvendarum. Vid. Sup. 8. 7. 57.

32. De Contentione inter Cancellarium Universitatis et Priorem de Bernewell super Jurisdictione. 58.

33. Quomodo Magister Richardus de Leicester nitebatur trahere Priorem et Canonicos de Bernewell ad Jurisdictionem Cancellarii. 58.

EDVARDUS SECUNDUS.

A.D. AN. REG.

1309. 2°. I. CHARTA recitans et confirmans Chartam Edvard 1^mi. Supra 8. 12. 60.

Recitat. et Confirm. An. 10°. hujus Edv.

2°. 2. Literæ Patentes, confirmantes Literas Hen. 3^tii. Sup. 6. 25. de Torneamentis propè Villam Cantebrig. non celebrandis. 63.

Confirm. inf. An. 1°. Edv. 3^tii.

2°. 3. Confirmatio Literarum Edv. 1^mi. de Clericis ad Mandatum Cancellarii incarcerandis. Vid. Sup. 9. 19. 63.

Confirm. inf. An. 1°. Edv. 3^tii.

2°. 4. Confirmatio Literarum Edv. 1^mi. sup. 9. 14. de Victualibus Regratariorum forisfactis. 64.

1309. 5. Literæ Archiepiscopi Cantuariensis, ne Magistri in aliquâ Facultate legentes desistant a Lectionibus suis Colore Visitationis suæ. 64.

7°. 6. Literæ Regis quòd Scholares liberi sint a Tallagio pro Terris et Tenementis suis in Cantebrigiâ, utì olim consueverunt. 65.

7°. 7. Literæ Patentes, quòd Scholares possint convenire Laicos coram Cancellario. Eædem quæ Sup. 10. 27. 65.

8°. 8. Literæ Patentes de Protectione Cancellarii Magistrorum et Scholarium. 66.

Recitat. et Confirm. Chartâ inf. 15. 8.

10°. 9. Charta omnium amplissima utpote recitans et confirmans Chartam Edv. 2^di. Sup. 1. cum Additione novorum Privilegiorum. 66.

10°. 10. Literæ Patentes quòd Causæ Clericorum ex Contractibus Rerum mobilium in Mu-

A. D. AN. REG.

nicipio Cantebrigiæ ortœ, decidantur coram Cancellario non obstante Prohibitione. 71.

10°. 11. Literæ Patentes, quod Inquisitiones super gravibus Transgressionibus, ubi altera Pars est Scholaris, non solum per Homines de Villa, verum etiam per extrinsicos capiantur: et quòd Transgressores in Castro custodiantur. i. e. in the Castle. 71.

10°. 12. Literæ Patentes, quòd Mulieres publicæ ejiciantur a Villâ et Suburbiis Cantebrigiæ. 72. Confirm. inf. an. 1°. Edv. 3tii.

11°. 13. Literæ Regis ad Johannem 22 Papam Transmissæ, ut Privilegia Universitatis ab antiquo concessa, confirmet, cum Augmentatione novorum. 72.

14. Bulla Johannis 22 Papæ, quâ Precibus regiis inclinatus, omnia Privilegia a Prædecessoribus suis, et Angliæ Regibus ab olìm concessa, confirmat. 73.

14°. 15. Petitio Cancellarii et Universitatis in Parliamento porrecta contra Majorem et Burgenses, complaining, " that they do not duely take their Oath of Fidelity, nor pave and clean the Streets, nor imprisòn Malefactors at the Command of the Chancellor." 73

14°. 16. Licentia regia appropiandi Advocationes Ecclesiarum ad Valorem £40 per An. non obstante Statuto, pro Domibus quibusdam fundandis in Academiâ in Usum Scholar. 74.

15°. 17. Variæ Commissiones regiæ ad audiendum et terminandum de quodam Insultu perniciosissimo per Majorem et Oppidanos in Universitatem commisso. 75.

18. Bulla Johannis Papæ 22. de Regula Fratrum Minorum.

AD. AN. REG.

17°. 19. Literæ Patentes ad inquirendum et certificandum super Privilegiis Universitati per Dominum Regem concessis, quæ a Majore et Burgensibus indebitè observantur. 87.

20. Declaratio Johan. Papæ 22, utrum Christus vel Apostoli sui aliquid habuerunt in proprio vel communi. 89.

21. Bulla ejusdem Johannis ad Universitatem transmissa de quibusdam Constitutionibus in Scholis suis legendis, sicut ceteræ Decretales. 90.

19°. 22. Literæ Regis notificantes Universitati summam Negotiorum inter seipsum et Regem Franciæ. 90.

20°. 23. Literæ Regis ad Universitatem transmissæ de Negotiis suis cum Rege Franciæ. "Complaining of ill usage from the King of France in detaining his Wife and Son; and requiring the University to vindicate publicly his Conduct; and sing Mass for his Success." 91.

EDVARDUS TERTIUS.

1326. 1°. 1. CHARTA de Confirmatione Privilegiorum antiquorum. In hâc recitatur et confirmatur Charta An. 10°. Edv. 2di. 96.

Recitat. et confirm. Chartâ Rich. 2di. an. 2do. 1°. 2. Confirmatio Literarum Patentium Edv. 2di. Sup. 12. 3. de Clericis ad Mandatum Cancellarii incarcerandis. 101.

A.D. AN. REG.

1°. 3. Literæ Patentes de Mulieribus publicis a Villâ Cantebrigiæ ejiciendis. Eædem quæ Sup. 13. 12. et inf. 9. 101.

1°. 4. Confirmatio Literarum Edv. 2^di. Sup. 12. 4. de Victualibus Regratariorum forisfactis. 102.

1°. 5. Literæ Patentes de Protectione Cancellarii Magistrorum et Scholarium. Eædem ferè quæ Sup. 12. 8. 102.

1°. 6. Literæ Patentes, durante Beneplacito duraturæ, quòd Scholares possint convenire Laicos coram Cancellario. Eædem quæ Sup. 12. 7. 103.

1°. 7. Licentia perquirendi Terras ad Valorem Annuum £20 concessa Aulæ de Clare ad Petitionem Cancellarii et Magistrorum Universitatis. 103.

1327. 1°. 8. Charta omnium amplissima utpote recitans et confirmans Chartam Edv. 2^di. Sup. 12. 9. cum Additione novorum Privilegiorum. 103. Recitat. et confirm. Chartâ an. 2do. Rich. 2^di.

1°. 9. Literæ Patentes eædem quæ Sup. 3. 109. Recitat. et confirm. Chartâ an. 2do. Rich. 2^di.

5°. 10. Petitiones Cancellarii et Magistrorum in Parliamento de Pretio vini Constituendo, de Pavimento reparando, ac de Fimis et Sordibus mundandis. "The last only granted, the other two deferred." Vid. inf. 17. 109.

8°. 11. Literæ Regis ne quis Actus Scholasticos exerceat apud Stamforde, nec alibi præterquam in Universitatibus modo approbatis. "Occasioned by a great Number of Scholars removing from Oxford, and fixing at Stamforde, on Account of a Quarrel." 110.

8°. 12. Aliæ Literæ super eâdem Re. 111.

9°. 13. Aliæ Literæ super eâdem Re. 112.

9°. 14. Literæ de Protectione Cancellarii, Ma-

A.D. AN. REG.

gistrorum, et Scholarium : eædem quæ Sup. 15. 5. 113.

9°. 15. Literæ Regis, quòd Abbas Westmonasteriensis se absentare poterit a Domo suâ per Septennium studendi Causâ in Universitatibus quibuscunq. tam cismarinis quàm transmarinis. 113.

9°. 16. Commissio Regis ad audiendum et terminandum de querela inter Henricum de Harwedon Cancellarium Universitatis et W^m. de Wyvelingham Scholarem ibidem de falso Imprisonamento. 113.

10°. 17. Literæ Regis quod Major et Ballivi facient, ut unusquisq. coram Tenementis suis reparet Pavimentum ad Commodum Universitatis. Vid. Sup. 16. 10. 114

Recitat. et confirm. Chartâ an. 2do. Rich. 2^di.

10°. 18. Literæ Patentes, quod Major et Ballivi facient Tentationem sive Assaiam panis et Cervisiæ ad Requisitionem Cancellarii. 114.

Recitat. et confirm. Chartâ an. 2do. Rich. 2^di.

10°. 19. Literæ Patentes, quòd Major Ballivi, Aldermanni, et Burgenses præstabunt Juramenta sua coram Cancellario, vel ejus Locum tenenti. 115.

10°. 20. Literæ Regis ne incarcerati ad Mandatum Cancellarii liberentur per Brevia Regis in Præjudicium Libertatum Universitatis. 116.

10°. 21. Breve Regis de liberando Henricum de Harwedon Cancellarium Universitatis et alios à Prisona post Securitatem suam in Cancellariâ datam. 116.

10°. 22. Breve Regis de Corporibus dicti Henrici et aliorum capiendis post fugam suam a Custodia Manucaptorum suorum. 117.

10°. 23. Breve Regis de Corporibus ejusdem

A.D. AN. REG.

Henrici et Aliorum salvo custodiendis in Prisonâ de Newgate. 118.

10°. 24. Modus procedendi coram Justiciariis Regis per W^m. de Wyvelingham contra eundem Henricum et alios [nempe Rectores] de falso Imprisonamento. 118.

10. 25. Breve Regis de Negotio inter eundem Henricum de Harwedon et W^m. de Wyvelingham. 121.

10°. 26. Aliud Breve de eodem Negotio. 122.

10°. 27. Aliud Breve de eodem Negotio. 123.

10°. 28. Aliud Breve de eodem Negotio. 123.

11°. 29. Aliud Breve de eodem Negotio. 124.

11°. 30. Petitio Cancellarii, Magistrorum et Scholarium ut Cancellarius habeat Cognitionem de quibuscunq. Actionibus personalibus dictos Magistros et Scholares tangentibus, unà cùm Responso. 125.

11°. 31. Petitio Cancellarii et Clericorum Universitatis, ut Cancellarius juxta Chartas suas, non molestetur de falso Imprisonamento, per Relationem ad istas Chartas in Parliamento concessa. 126.

11°. 32. Petitio Hen. de Harwedon in Parliamento porrecta super Imprisonamento suo ad Sectam W^m. de Wyvelingham, qui ipsum Cancellarium implacitavit coram Justiciariis Regis de falso Imprisonamento. 127.

12°. 33. Mandatum Justiciariis Regis transmissum de non procedendo in Loquela inter Hen. de Harwedon et W . de Wyvelingham, et quòd interim idem Henricus Liberetur de Prisonâ. 129.

11°. 34. Mandatum Justiciariis Regis transmis-

A. D. AN. REG.

sum de Lite componendâ inter Burgenses et Scholares. 130.

11°. 35. Petitiones coram Rege et Consilio suo exhibitæ a Burgensibus Cantebrigiæ contra nonnulla Universitatis Privilegia, contra Jus, Fasq. et contra Chartas Burgensium, concessa et confirmata; una cum Placitis super iisdem. Annexed to the preceding Mandate, and the Occasion of it. 131.

11°. 36. Breve Justiciariis Regis pro Justitiâ fiendâ inter Universitatem et Burgenses. 134.

37. Indultum Simonis de Monte acuto Eliensis Episcopi pro amputandis appellationibus et Querelis frivolis à Sententia Cancellarii: cum Inhibitione pro Defensione Juris Ecclesiæ suæ. A. D. 1341. 136.

Recitat. et confirm. Chartâ an. 2do. Rich. 2di.

17°. 38. Literæ Patentes, quòd Cancellarius habeat Cognitionem in omnibus Contractibus Rerum mobilium non obstante Prohibitione. et quòd idem Cancellarius non molestetur in posterum de falso Imprisonamento. 138.

Recitat. et confirm. Chartâ an. 2do. Rich. 2di.

18°. 39. Exemplificatio Literarum sup. 16. 20. de salvâ Custodiâ incarceratorum ad Mandatum Cancellarii. 139.

40. Confirmatio Thomæ Eliensis Episcopi de Indulto Simonis Prædecessoris sui. Sup. 37. A. D. 1347. 140.

21°. 41. Commissio Regis ad inquirendum de Terris et Tenementis Religiosorum et aliorum Ecclesiasticorum in Villâ Cantebrigiæ ab An. 20° Edv. 1mi. acquisitis. 142.

42. Indentura inter Universitatem et Presbyterum quendam, ut idem ad Terminum Vitæ suæ pro Animâ Magistri Nigelli de Thornton celebretur. A. D. 1347. 143.

A.D. AN.REG.

25°. 43. Indentura Universitatis de quodam Messuagio in Cantebrigiâ concesso in perpetuum Aulæ de Pembroke, ut habeatur Memoria pro animâ Rogeri de Heydon. 144.

26°. 44. Literæ Patentes, quod Cancellarius habeat Cognitionem quorumcunq. Placitorum de Transgressionibus (Feloniam et Mahemium non tangentibus) ubi altera Pars est Scholaris. statim revocatæ. 145.

27°. 45. Literæ Regis, quòd Justiciarii Allocationem facient Universitati de Libertatibus suis in Cognitione Placitorum ubi altera Pars est Scholaris. et quòd de Processibus modo inchoatis interìm supersedeatur. 147.

28°. 46. Literæ Regis, ne Stationarii indictentur coram Justiciariis suis. sed quòd Punitio eorum pertinere debet ad Cancellarium. 147.

33°. 47. Literæ Patentes de Burgensibus coram Cancellario conveniendis. eædem quæ Sup. 15. 6. 148.

36°. 48. Literæ Patentes, ne Scholares in Causis aliquibus Privilegia sua tangentibus extra Universitatem in Curiam Christianitatis evocentur. Prohibiting all Appeals to any Ecclesiastical Court whatever, in Causes cognizable by the Chancellor. 149.

38°. 49. Literæ Patentes ne Revocatio Literarum Sup. 19. 44. cedat in Prejudicium Libertatum Universitatis. 150.

40°. 50. Compositio inter Utramq. Academiam ex unâ Parte, et Fratres quatuor Ordinum Mendicantium in eisdem Academiis commorantium ex alterâ, Authoritate regia in Parliamento suo confirmata. In this a statute, that no Scholar under 18 years of age be admitted

A.D. AN.REG.

into any Order of Mendicants, is repealed. 151.

51. Tenor Obligationis cujusdam Piscatoris per Cancellarium incarcerati. A. D. 1367. 154.

44°. 52. Mandatum Regis pro Victualibus ad Villam Cantebrigiæ asportandis in Usum et Commodum Scholarium, non obstante priore Regis Mandato. 154.

45°. 53. Breve de Certiorarí super quibusdam Indictamentis Scholarium et aliorum; cum Inquisitione virtute ejusdem Brevis captâ. 155.

47°. 54. Literæ Patentes, ne Mandatum Regis in Causâ Discordiæ inter Scholares Aulæ suæ, et Scholares Aulæ de Clare quovis modo tendat in Prejudicium Libertatum Universitatis, nec in Consequentia trahatur. 156.

55. Decretum Universitatis Cantebrigiæ super Titulo, et Institutione Ordinis Fratrum Beatæ Mariæ de Monte Carmeli. A.D. 1374. 156.

56. Instrumentum publicum de Testimonio et Declaratione Cancellarii Universitatis Cantebrigiæ super Agnitione Tituli et Institutionis Regulæ Fratrum Carmelitarum. 1374. 157.

57. Querelæ articulatæ Cancellarii et Universitatis, ad Regem in Parliamento suo porrectæ contra Majorem et Burgenses, cum Petitionibus ejusdem Universitatis pro Libertatibus et Privilegiis suis ampliandis: Quibus nullum datur Responsum. 158.

RICHARDUS SECUNDUS.

A.D. AN. REG.

1377. 1°. 1. PETITIONES Cancellarii et Scholarium in Parliamento exhibitæ pro quibusdam Defectibus in Chartis Privilegiorum suorum perficiendis. 170.

1°. 2. Literæ Regis Cancellario transmissæ de orando ad Deum pro Defensione Regis et Regni sui Angliæ contra vim inimicorum suorum Franciæ. 170.

1°. 3. Literæ Regis de quadam Solutione Quintodecimarum et Decimarum super Terris et Tenementis Scholarium ab An. 20°. Edv. 1^mi. acquisitis. 171.

2°. 4. Charta omnium amplissima, utpote recitans et confirmans hæc omnia quæ sequuntur. viz. Confirmatio Sup. 14. 2—Charta Sup. 15. 8.—Lit. Patent. 18. 38.—Lit. Patent. 15. 9. —Lit. Patent. 16, 18, & 19—et Exemplificatio. 18. 39. 171.

See a copy of all these among Charters, &c.

2°. 5. Petitio Cancellarii et Scholarium in Parliamento, ut habeant potestatem puniendi vitellarios ac supervidendi falsas Mensuras et falsa Pondera. 182.

2°. 6. Literæ Patentes, quod Cancellarius habeat Assisam et Correctionem Victualium ad Quinquennium, si Major fuerit remissus. ac quod Vicecomes et Major sint in hac re auxiliantes Cancellario. Vid. inf. 22. 14. 183.

A.D. AN.REG.

2°. 7. Petitio Cancellarii Magistrorum, et Scholarium, ut Victualia Regratariorum forisfacta assignentur Hospitali Sancti Johannis. Quæ conceditur. 185.

2°. 8. Literæ Patentes, quòd Victualia Regratariorum et Forstallatorum forisfacta assignentur Hospitali S^ti. Johannis ad Sustentationem pauperum Scholarium. 185.

2°. 9. Petitio Cancellarii et Scholarium ut habeant Potestatem puniendi transgressores qui Victualia indebitè vendunt. *Quæ conceditur in Parliamento. 186.

* This Grant conditional, and for a Time only.

2°. 10. Literæ Patentes, quòd Cancellarius habeat Correctionem Victualium usq. in proximum Parliamentum, si Major fuerit remissus. 187.

3°. 11. Commissio de Pace conservandâ in Comitatu Cantebrigiæ salvis Libertatibus Universitatis. 188.

3°. 12. Commissio de Pace conservanda in Villâ et Suburbiis Cantebrigiæ salvis Academiæ Privilegiis. 190.

4°. 13. Commissio de Pace conservandâ in Villâ Cantebrigiæ et de Maleficiis inquirendis Magistros et Scholares tantummodo concernentibus. 191.

4°. 14. Literæ Patentes, quòd post Expirationem quinq. Annorum Cancellarius habeat Potestatem corrigendi Victualia ad Septennium. Vid. Sup. 23. 6. 193.

4° 15. Breve de supersedendo in Negotiis Magistrosum et Scholarium. To recall the Commission, N°. 13. 194.

5°. 16. Processus in Parliamento contra Majorem et Burgenses, Occasione Tumultûs cu-

A. D. AN. REG.

jusdam iniquissimi per ipsos in Scholares perpetrati: in quo privantur Burgenses omnibus Privilegiis suis, et Universitati ex Assensu Parliamenti conceduntur Custodia, Assisa, et Assaia Panis, Vini et Cervisiæ, ac Supervisum Mensurarum et Ponderum, et Cognitio de Forstallatoribus et Regratoribus; nec non Correctio Victualium cum Finibus et Amerciamentis in perpetuum. 196.

5°. 17. Charta specialis, quòd Cancellarius habeat in perpetuum Custodiam Assisæ Panis, Vini, et Cervisiæ, et Cognitionem de Forstallatoribus et Regratariis, ac Correctionem Mensurarum et Ponderum et Victualium quorumcunq. cum Finibus et Amerciamentis. 210.

For this Grant we pay the Crown £10 per Ann. Vid. Stat. Reg. Cap. 35.

See a Copy of this below, among Charters, &c.

5°. 18. Mandatum Justiciariis et aliis Ministris Regis directum de Libertatibus Universitatis, Charta præcedenti concessis, allocandis. Et quòd Major et Ballivi intendant Cancellario. 211.

5°. 19. Literæ Patentes quibusdam Commissionariis directæ ad cognoscendum super Asportatione et Combustione Privilegiorum, Munimentorum et aliarum Rerum Universitatis. Vid. Processum Sup. 16. 212.

5°. 20. Breve de non ulterius procedendo in Transgressionibus et Excessibus aliquibus (vid. Sup. 22. 16.) audiendis, præterquam in his quæ contra Cancellarium et Scholares perpetratæ sunt. 213.

5°. 21. Querela Cancellarii et Scholarium in Parliamento exhibita contra Burgenses de Insultu quodam perniciosissimo in ipsos commisso. This seems to have given Occasion to the Process above 22. 16. 213.

A.D. AN.REG.

5°. 22. Commissio ad inquirendum de Transgressionibus contra Thomam Haselden suppositum Universitatis a Majore et Burgensibus perpetratis. 214.

5°. 23. Literæ Regis ne Cancellarius et Socii sui ulterius procedant in Executione Commissions suæ de Feloniis et Transgressionibus audiendis et terminandis. 215.

6°. 24. Mandatum Regis Thesaurariis et Baronibus Saccarii transmissum de Redditu annuali decem Librarum pro Firmâ Assisæ Panis, Vini, et Cervisiæ ad certum Diem inchoando. 216.

25. Certificatio officialis Archidiaconi Eliensis super Denuntiatione cujusdam Suspensionis, et Citatione per eum factâ ad Requisitionem Cancellarii Universitatis in Juris Subsidium. A. D. 1382. 216.

See a Copy of this below, among Charters, &c.

6°. 26. Literæ Patentes, quòd Cancellarius habeat Potestatem supervidendi falsa Pondera et falsas Mensuras in Nundinis de Steresbrige. 217.

Recitat. et confirm. An. 1°. Edv. 6ti.

6°. 27. Breve Cancellario transmissum de modo vendendi Vinum de Rupellâ, Osey, Hispan. et de Rino. 217.

6°. 28. Literæ Patentes, quòd Cancellarius Universitatis possit significare Cancellario Angliæ Nomina Excommunicatorum infra Jurisdictionem suam ad Quinquennium, ut habeat Brevia pro Captione illorum. 218.

Allocata est hæc Charta An. 14°. Rich. 2di. et An. 2°. Hen. 4ti., item An. 5to. Hen. 5ti. bis, Deniq. An. 37°. Hen. 8vi.

7°. 29. Charta de Cognitione Placitorum personalium coram Justiciariis aliisq. Ministris Regis Cancellario allocanda, ubi altera Pars est Scholaris. Here the Grant to the Chancellor of the Cognizance of all Personal Pleas,

A. D. AN. REG.

where a Scholar is one Party, is renewed under Limitation.

7°. 30. Literæ Regis, quòd Vicecomes Cantebrigiæ seu Custos Castri, ac Major et Ballivi intendant Cancellario in Executione Chartæ suæ de Cognitione Placitorum personalium. 220. Copyed below among Charters, &c.

8°. 31. Literæ Regis, quod Vicecomes recipiet Proficua quatuor Denariorum de Bussello, pendente Lite inter Cancellarium et Majorem. 221.

8°. 32. Literæ Regis, ne Major et Ballivi intromittant se in Materia Busselli pendente Lite inter ipsos et Cancellarium. 222.

8°. 33. Literæ Regis, ne Cancellarius se intromittat in Materiâ Busselli pendente Lite inter ipsum et Majorem. 222.

8°. 34. Decretum Regis de Avisamento Parliamenti super Materia Busselli. Et quod Cancellarius summonere possit Homines Villæ Cantebrigiæ ad præsentandum de Forstallatoribus, Regratariis, et Victualibus vitiosis. 222.

8°. 35. Literæ Regis, de Protectione Cancellarii, Procuratorum et aliorum Ministrorum Universitatis, Omniumq. Privilegiorum et Bonorum suorum in omnibus Regni sui Partibus ad Triennium duraturis. 223.

8°. 36. Literæ Patentes, quòd Cancellarius habeat Deputationem et Deliberationem Busselli cum Proficuis ex iisdem provenientibus, et quod summonere possit Homines Villæ Cantebrigiæ ad Præsentandum de Forstallatoribus, Regratariis et Victualibus vitiosis. 224. Recitat. et confirm. Chartâ 1mo. Hen. 4ti Copyed bel. among Chai ters, &c.

8°. 37. Literæ Regis, ne Major et Ballivi im-

A.D. AN. REG.

pediant Cancellarium in Materiâ Busselli, aut in aliorum Privilegiorum Executione. 226.

8°. 38. Literæ Regis ne Major et Ballivi impediant Pistores, Braciatores, seu alios Vitellarios forinsecos in Venditione Victualium suarum sub Pæna 100 lb. 227.

9°. 39. Literæ Regis quod Scholares non debent quicquam solvere de Subsidiis Decimarum et Quintedecimarum, vel aliis Quotis pro Tenementis, Scholis, vel Libris suis. 227.

Recitat. et confirm. an. 1°. Edv. 6ti.

9°. 40. Literæ Regis, ne Officialis Curiæ Cantuariensis transmittat Citationes seu Inhibitiones ad impediendos Processus coram Cancellario. 227.

Recitat. et Confirm. Chartâ An. 1mo. Hen. 4ti. Copyed below, amoug Charters, &c.

9°. 41. Literæ Patentes, quòd Candelæ et Focalia sub Nomine Victualium reputabuntur in Chartâ Sup. 23. 17. 228.

12°. 42. Literæ Protectionis Cancellarii, Procuratorum, et aliorum Ministrorum Universitatis cum omnibus Rebus et Privilegiis ad Quinquennium. 229.

12°. 43. Literæ Regis de Summonitione Parliamenti apud Cantebrigiam unà cum Convocatione Cleri ibidèm.

12°. 44. Breve Cancellario transmissum de Villa Mundandâ a Fimis et Sordibus in Adventum Regis et Dominorum Consilii sui ad Parliamentum. 234.

12°. 45. Breve Regis, quòd Major et Ballivi statim in Cancellariâ suâ appareant, et respondeant pro Contemptu regii Mandati de Pistoribus, Brasiatoribus, et aliis Vitellariis forinsecis. 235.

13°. 46. Petitio Cancellarii et Scholarium in

A. D. AN. REG.

Parliamento porrecta, ut Scholares de cætero non indictentur ab Hominibus Villæ Cantebrigiæ: Cum Responso et Processu super eadem Re. 236.

13°. 47. Literæ Patentes ne Scholares ab Hominibus Villæ Cantebrigiæ indictati molestentur seu capiantur usq. in proximum Parliamentum. 239.

13°. 48. Literæ Regis quod omnia et singula Indictamenta Scholarium transmittantur in Cancellariam. Et quòd de Captione Corporum eorum interìm supersedeatur usq. in proximum Parliamentum. 239.

14°. 49. Processus inter Johannem Estmond Laicum et Willielmum de Elie Clericum Universitatis de Placito transgressionum, in quo conceditur Cancellario Allocatio Chartæ Sup. 24. 29. 240.

14°. 50. Literæ Patentes ne Apostatæ Fratres Ordinis Prædicatorum procurantes sibi Gradum Magistralem seu Gratias exemptorias in Partibus transmarinis admittantur ad Honorem Doctoralem in Theologiâ in aliquâ duarum Academiarum. 242.

14°. 51. Literæ Patentes, quòd Cancellarius et Major inquirant de Fimis, Exitibus, Intestinis, et aliis Sordibus in Universitate crescentibus contra Formam Statuti dudum in Parliamento apud Cantebrigiam editi. 243.

14°. 52. Literæ Patentes, ne Scholares seu Servientes sui ab Hominibus Villæ Cantebrigiæ indictati graventur, seu attachiantur usq. in proximum Parliamentum. 244.

53. Bullæ Papæ Urbani 6ti. pro non Residentia Beneficiatorum ad Quinquennium in

A.D. AN.REG.

Universitate commorantium, et a Cancellario approbatorum. 245.

15°. 54. Literæ Regis quod Robertus Cowper et alii à Cancellario et Procuratoribus incarcerati, liberentur a prisonâ ut respondeant de factis suis in Cancellariâ Regis. 246.

15°. 55. Literæ Patentes, ne Scholares aut Servientes sui ab Hominibus Villæ Cantebrigiæ indictati capiantur seu impetantur usq. in proximum Parliamentum. 247.

15°. 56. Literæ Regis, ne incarcerati ad Mandatum Cancellarii liberentur per Majorem et Balivos Virtute seu Colore Brevium Regis de replegiando. 248.

15°. 57. Literæ Regis, quòd Vicecomes assistat Cancellario ad Insolentias Clericorum reprimendas in Defectu Balivorum et Burgensium. 249.

15°. 58. Literæ Regis Episcopo Eliensi et ejus Officiali, mandantes ne in posterum transmittant Citationes ad impediendam Libertatem Universitatis de Cognitione Placitorum. 249.

16°. 59. Moderatio Statuti de Provisionibus ad Ordinationem Regis per Communitatem Angliæ in Parliamento disposita, cum Petitione ut habeatur Cura de Universitatibus. 250.

16°. 60. Literæ Regis, quòd Cancellarius reformari faciat Gutteras quasdam nocivas a Custodibus Aularum S^{ti}. Michaelis et Annuntiationis B. Mariæ dudum factas. 251.

17°. 61. Petitio Universitatis in Parliamento ut Stationarii et Librorum Ligatores habeantur pro Servientibus Scholarium. 251.

18°. 62. Literæ Regis quod Vicecomes capi

A.D. AN.REG.

faciat Perturbatores Nundinarum de Bernewell, sive Scholares sint sive Laici. 252.

19°. 63. Charta Feoffamenti Sanctimonialium domûs S^ti. Leonardi de Stratford et Bowe de quodam Curtilagio suo in Cantebrigiâ. 253.

22°. 64. Breve Regis rationem quærens quid Universitati videatur in Materiâ Schismatis. 253.

22°. 65. Mandatum Episcopo Heref. et aliis ut Avisamentum suum dent de nefario Schismate in Ecclesiâ Dei. 254.

22°. 66. Literæ Patentes, quòd Cancellarius et Graduati possint prosequi ad Sedem Apostolicam pro Beneficiorum Provisionibus, non obstantibus regiis Statutis. 255.

FINIS INDICIS PRIMI VOLUMINIS.

INDEX SECUNDI VOLUMINIS.

HENRICUS QUARTUS.

A.D. AN. REG.

1399. 1°. 1. CHARTA amplissima utpote recitans et confirmans hæc omnia quæ sequuntur. Viz. Chartas Rich. 2di. Sup. 21. 4—23. 17 —24. 29 et ejusdem Literas Patentes Sup. 25. 36—26. 41. Fol. 1. Recitat. et Confirm. Lit. Pat. An. 3°. Edv. 4ti.

1°. 2. Commissio Regis Guidoni la Zouch Cancellario Universitatis et aliis de Pace custodiendâ in Comitatu Cantebrigiæ, salvâ Jurisdictione Cancellarii. 2.

1°. 3. Petitio Communitatis Angliæ in Parliamento porrecta, ut habeant Confirmationem Libertatum suarum antiquarum cum Clausulâ (Licet). Quam Petitionem Rex confirmat salvis Franchesiis duarum Acadèmiarum et aliorum Dominorum. 4.

1°. 4. Alia consimilis Petitio et ejusdem Effectûs. 5.

2°. 5. Literæ Regis, quòd Cancellarius solvat Johanni de Nottingham id quod a retrò est de Annitate suâ decem Librarum de Firmâ Assisæ Panis et Cervisiæ. 5.

A. D. AN. REG.

2°. 6. Petitio Communitatis Angliæ in Parliamento porrecta tangens Moderationem de *Provisionibus, ac ut utraq. Academia in Memoriâ habeatur. 6.

*Dispensations to hold Preferments.

2°. 7. Placita coràm Rege in quibus Cancellarius habet Allocationem Chartæ de Cognitione Placitorum ubi altera Pars est Scholaris. 6.

2°. 8. Petitio Cancellariorum utriusq. Academiæ in Parliamento contra Provisiones. 9.

9. Visitatio Archiepiscopi Cantuariensis tàm in Universitate quàm in seperatibus Collegiis. A. D. 1401. 10.

10. Bullæ Papæ Bonifacii IX. qua inhibetur Episcopo Eliensi, ne se de cætero intromittat in Confirmatione Cancellarii Universitatis. The Chancellor, before he was sworn into his Office, used to be approved by the Bishop of Ely. 13.

11. Commissio Archiepiscopi Cantuariensis ad procedendum et terminandum in quadam Causâ Appellationis Occasione Lecturæ Ordinariæ. A. D. 1402. 14.

4°. 12. Breve Confirmatorium Chartæ Rich. 2 . de Cognitione Placitorum coram Cancellario habenda. 14.

4°. 13. Literæ Regis ne Cancellarius impediatur per Processus citatorios coram Archiepiscopo Cantuariensi in Executione Libertatum Universitatis de Cognitione Placitorum. 15.

5°. 14. Breve quòd Frater Johan. Chester admittatur ad Actum Scholasticum post Fratrem Phil. Boydel. 16.

5°. 15. Literæ Patentes quòd Graduati seu Graduandi in utrâq. Academiâ sint habiles ad Beneficia Ecclesiastica capienda. 16.

A. D. AN. REG.

16. Commissio Archiepiscopi Cantuar. ad audiendum et terminandum in quodam Negotio Appellationis Occasione Impugnationis Statutorum Academiæ A. D. 1404.

17. Literæ Archiepiscopi Cantuar. ne Dependentia Visitationis suæ impediat Exercitium Jurisdictionum Universitatis A. D. 1404. 19.

18. Petitio duarum Universitatum ad Archiepiscopum Cantuarien. porrecta pro Beneficiis Ecclesiasticis et Dignitatibus electivis gaudendis. 19.

19. Rescriptum Gregorii Papæ XII. Universitati transmissum de suâ Industriâ pro Schismate inter duos Pontifices de Papatu contendentes extinguendo. A. D. 1406. 20.

9°. 20. Breve de Recordo et Processu cujusdam Loquelæ, in Curiâ Cancellarii Universitatis pendentis, coram Rege in Cancellariam suam transmittendo. Et de Errore Judicii ibidèm corrigendo. 22.

21. Constitutio Archiepiscopi Cantuar. ne Libellus aliquis sive Tractatus, compositus per Johannem Wicklif, legatur vel doceatur in Locis quibuscunq. nisi primitùs fuerit approbatus per alteram Academiam. A.D. 1408. 24.

11°. 22. Petitio Communitatis Angliæ Regi in Parliamento exhibita contra non Residentiam Curatorum tam in Universitatibus quam alibi commorantium. 24.

23. Abjuratio Nich. Herford Artium Baculaurei de omnibus Opinionibus et Conclusionibus Johannis Wicklif coram Cancellario in plenâ Congregatione. A.D. 1412. 26.

HENRICUS QUINTUS.

A.D.	AN. REG.	
1412.	1°.	1. COMMISSIO de Pace custodiendâ in Villâ et Libertate Cantebrigiæ, salvâ Libertate Cancellarii. 33.
	2°.	2. Literæ Regis de Modo observandi Statutum antiquum 176^m. de Habitibus Bacculaureorum. 35.
	2°.	3. Literæ Regis de eâdem re cum Pœna mille Librarum. 36.
	3°.	4. Literæ Regis quòd Scholares Juris Canonici et Civilis Lectionibus ordinariis intersint et Bedellis persolvant Collectas suas. 37.
	3°.	5. Literæ Regis quòd Vicecomes, Major, et Ballivi intendant Cancellario ad Pacem conservandam cum fuerint requisiti. 37.
	3°.	6. Literæ Regis quòd Legistæ Scholis intendant, et Bedellis persolvant solitas Collectas. 38.
	3°.	7. Petitio Communitatis Angliæ in Favorem Cleri Regni ac Studentium in Universitatibus in Parliamento exhibita. 38.
	3°.	8. Literæ Patentes ad capiendos Buckworth, Berkford et alios tàm infra Libertates quam extra. 40.
	5°.	9. Querelæ Burgensium articulatæ contra Universitatem una cum Responsionibus Universitatis. 40.
		10. Querelæ articulatæ Burgensium tra-

A. D. AN. REG.

ditæ Duci Bedford, Angliæ Custodi, contra Universitatem. 49.

11. Querelæ Universitatis contra Johannem Bylney Burgensem pro Impugnatione Privilegiorum Universitatis. About the year 1417. 51.

Old Stat. 45. 49. referred to here.

12. Querelæ Universitatis contra Rob. Attylbrigg suscitantem Brigas inter Scholares et Laicos. 55.

13. Supplicatio Universitatis porrecta Regi apud Southampton pro libero Usu Privilegiorum suorum in Absentiâ suâ. Et ne Major et Ballivi illos Prætextu Indictamentorum de Felonià interim disturbent.

14. Literæ Regis Majori et Ballivis Cantebrigiæ, ut Universitas juxta Supplicationem suam liberè utatur Privilegia sua in ejusdem Absentiâ. 58.

15. Querelæ Universitatis contra Burgenses transgredientes Ordinationem Regis. Sup. 14. 59.

16. Informatio contra Universitatem pro Bannitione Rob. Hierman communis Servientis Villæ Cantebrigiæ, contra Tenorem Magnæ Chartæ. 60.

17. Breve Regis Cancellario Universitatis directum pro Restitutione Rob. Hierman communis Servientis Villæ per Universitatem banniti. 61.

18. Supplicatio Burgensium porrecta Consilio Regis in Parliamento de Concordiâ inter ipsos et Universitatem fiendâ: Et ne licitum sit Cancellario bannire Laicos sine Assensu aliorum Laicorum. 62.

A.D. AN.REG.

19. Supplicatio Universitatis porrecta Magnatibus de Concilio Regis priori respondens de Concordia fiendâ.

20. Concordatio inter Universitatem et Villam coram Consilio Regis, et de Assensu ejusdem Consilii, pro arbitris, ad determinandas Lites inter dictas Universitatem et Villam pendentes, elegendis. 66.

21. Petitio Universitatis in Parliamento exhibita contra eos qui injustè excitant Indictamenta Scholarium. 68.

5°. 22. Processus coram ipso Rege inter Laicum et Scholarem de Placito Transgressionis, in quo conceditur Cancellario Allocatio Chartæ suæ de Cognitione Placitorum. Sup. 24. 29. 70.

5°. 23. Processus inter Laicum quendam et Scholarem Universitatis coram Justiciariis de communi Banco, in quo conceditur Cancellario Allocatio Chartæ suæ de Cognitione Placitorum. Sup. 24. 29. 73.

24. Consultatio habita per Archiepiscopum Cantuar. unà cum Episcopis et Clero Provinciæ suæ pro Relevamine Studentium in utrâq. Universitate, quæ nullum sortiebatur Effectum. 75.

6°. 25. Commissio Regis de Pace custodiendâ, et Statuto contra Lollardos exequendo in Villâ et Libertate Cantebrigiæ, salvâ Jurisdictione Cancellarii. 81.

1°. 26. Literæ Patentes, quòd Vicecomes habeat Correctionem Victualium, ac Mensurarum et Ponderum in Feriâ de Steresbrig, pendente Lite inter Universitatem et Cives Londinenses. 83.

A.D. AN.REG.

9°. 27. Statutum Regni ne quis exerceat Practicam in Arte Medicinæ, nisi priùs apud Universitatis admissus et approbatus fuerit. 84.

Offeuders to be punish'd at the Discretion of the Privy Council.

28. Mandatum Archiepiscopi Cantuar. cum Consensu Confratrum et Prælatorum Provinciæ suæ, Quòd quilibet Patronus Ecclesiasticus Beneficia sua Ecclesiastica conferat in solos Graduatos aut Studentes in alterâ Universitate. A. D. 1421. 85.

HENRICUS SEXTUS.

A.D. AN.REG.

1422. 1°. 1. STATUTUM Regni de Hibernis ob impia Scelera sua ex Angliâ ejiciendis. Et quòd Scholaribus Hibernicis in utraq. Academiâ adhuc morari licet sub certis Conditionibus. 91.

2°. 2. Statutum Regni, quòd Cancellarii duarum Academiarum habeant Authoritatem capiendi Securitatem de bono Gestu á Scholaribus Hibernicis in iisdem Universitatibus commorantibus. 94.

4°. 3. A Petition in Parliament, that Clerkes, having Benefices with Cure of Soul, shall be bound to Residence upon their Benefices, excepting Clerkes that be at the two Universities, and certain others. 95.

4. Litera Universitatis Cantebrigiæ ad Archiepiscopum Cantuar. et Coepiscopos suos in Consilio Londini convocatos, A. D. 1426.

A.D. AN.REG.

probans Decimas de Jure divino Ecclesiæ Ministris deberi.

8°. 5. Petitio Comunitatis Angliæ in Parliamento exhibita contra impia Flagitia Hibernorum, Scotorum, et Wallorum tam in Villâ et Comitatu Cantebrigiæ quàm alibi perpetrata. 100.

6. Processus Bernewellensis, in quo continetur Sententia Delegatorum super Usu et Exercitio Jurisdictionis Ecclesiasticæ in Scholares et alios Suppositos. In this the Pope by his Delegates, the Prior of Bernewell and others, enquires whether the University by Grant or Custom were subject to the Ecclesiastical Jurisdiction of their Chancellor, and exempt from that of all others; empowering them, if they should find it so, to confirm by his Authority that Jurisdiction and Exemption, which is accordingly here done. A. D. 1430. 103.

Old Stat^s. 41. 43, 44. 37. 49. and 172 are in great Part recited here as Antient Statutes.

11°. 7. Statutum de Securitate dandâ tam per Dominos Spirituales et Temporales ac Communitatem Angliæ, quam per Universitates Oxoniæ et Cantebrigiæ super Observatione cujusdam Articuli pro Tranquillitate et Pace in Regno conservanda; unà cùm dicto Articulo. 118.

9°. 8. Literæ Patentes ad confirmandam Chartam An. 1°. Hen. 4^ti. concessam, quatenus non revocata fuit in Parliamento An. Reg. Regis 1mo. 124.

9. Bulla Papæ Eugenii 4^ti. de Confirmatione Sententiæ Delegatorum super Usu ac Exercitio Jurisdictionis. Sup. 38. 6. A.D. 1433. 124.

A. D. AN. REG.

25°. 10. Perdonatio Cancellarii, Magistrorum, et Scholarium contra præmunire multasq. alias Offensas. 126.

16°. 11. Literæ Patentes de Concessione Manerii de Ruyslep cum Placea de Northwood Universitati ad Sustentationem Scholarum publicarum in perpetuum. 128.

17°. 12. Litera Regis ad Synodum Provincialem Cantuar. Londini congregatum pro uberiori Provisione duarum Universitatum ex Patrimonio Ecclesiæ habenda. 129.

13. Supplicatio Universitatis Oxoniensis ad Synodum Cantuar. porrecta pro Studentium Relevamine. 130.

14. Supplicatio Universitatis Cantebrigiensis ad Synodum Cantuar. porrecta pro Studentium Sustentatione ampliandâ. A. D. 1438. 132.

17°. 15. Literæ Patentes de Concessione Manerii de Magna et Parva Okebourne Universitati ad Sustentationem Scholarum publicarum in perpetuum. 133.

18°. 16. Literæ Patentes, quòd Cancellarius transmittat coram Thesaurariis et Baronibus Saccarii Nomina omnium Personarum infra Jurisdictionem Universitatis et Villæ Cantebrigiæ, ad Solutionem cujusdam Subsidii taxabilium. 1 35

19°. 17. Literæ Regis, quòd Cancellarius solvat annuatim Willielmo Cote decem Libras de Firmâ Assisæ Panis et Cervisiæ, ac Supervisu Mensurarum et Ponderum durante Vitâ suâ ex Dono Regis. 136.

21°. 18. Literæ Patentes, Cancellario et Majori Villæ Cantebrigiæ transmissæ de quodam Sub-

A. D. AN. REG.

sidio levando in Villâ et Comitatu prædicto. 136.

22°. 19. Litera missiva Universitatis Regi directa continens Ordinationem de Modo orandi tàm in Vitâ pro eo, quàm post Mortem pro Animâ ejus. N. B. Decretum est quod hæc Ordinatio *in Registro cum Statutis aliis* inseratur. 138.

20. Concessio Universitatis, quòd Collegium Regale sit a Jurisdictione suâ prorsus exemptum. This Concession is to take place, if the Bishops of Salisbury, Lincoln, and Carlile shall judge it to be consistent with the Oaths required by the University: and it seems limited by the Composition 22 below. A. D. 1448. 139.

21. Rescriptum Papæ Nicholai 5ti. de Remedio habendo contra Injurias a Rad. de Leycestria Academiæ illatas. 141.

22. *Compositio inter Universitatem et Collegium Regale, super Modo et Formâ ac Potestate Jurisdictionis exercendæ tam per Præpositum istius Collegii in Scholares suos, quam per Cancellarium in dictum præpositum et Scholares, per Regem approbatâ. A. D. 1456. 141.

37°. 23. Literæ Patentes, quod Cancellarius habeat †Potestatem corrigendi Nocumenta Universitatis, et banniendi Meretrices per 4 Milliaria. Coppy'd inf. 145.

*'Tis here agreed that the Provost have the Probate of Wills, and Cognizance of Causes within his Coll. even tho' the Plantiff be a Scholar of the University; but not if the Defendant be so.

†i. e. Power to keep the streets clean. Confirm. inf. Recitat. et Confirm. An. 1°. Edv. 6ti.

EDVARDUS QUARTUS.

A.D. AN. REG.

1460. 3°. 1. LITERÆ Patentes quibus recitatur et confirmatur Charta Hen. 4ti. Sup. 31. 1. 150. — Recitat. et Confirm. Lit. Pat. An. 1°. Edv. 6ti.

13°. 2. Literæ Regis de Proclamatione faciendâ contra ociosas quasdam Personas, quæ se fingunt esse Schólares, ac Peregrinos et infirmos. 166.

3. Ordinatio Universitatis de Modo Mulctandi non Graduatos, qui Pacem Universitatis perturbant. A. D. 1464. 167.

5°. 4. Literæ Regis quod Cancellarius solvat Annuatìm Reginæ Elizabèthæ decem Libras de Firmâ Assisæ Panis et Cervisiæ. 168.

7°. 5. Literæ Regis, quòd Cancellarius solvat Reginæ Elizabethæ id quod a retro est de Summâ decem Librarum sibi a Domino Rege concessarum. 169.

17°. 6. Commissio Regis de Vasis providendis vocatis Keeles, ad Petras et Lapides transportandas pro Pavimento Platearum Universitatis. 169.

18°. 7. Commissio Regis ad Cancellarium et alios transmissa de magno Ponte reparando. 170.

RICHARDUS TERTIUS.

A.D. AN. REG.

1. DECRETUM Universitatis de modo celebrandi et orandi pro felici Statu *piissimi Regis dum vixerit, et pro Anima ejus post Mortem suam. A. D. 1483. 174.

* This was crook-back'd Richard.

FINIS INDICIS IN SECUNDUM VOLUMEN.

INDEX TERTII VOLUMINIS.

HENRICUS SEPTIMUS.

A.D.	AN. REG.		
1496.	11°.	1. LITTERÆ Patentes confirmantis Literas Hen. 6ti. Sup. 40. 23. de Meretricibus extra Universitatem banniendis, et aliis quibusdam Nocumentis reformandis. fol. 1.	Recitat. et Confirm. inf. An. 1°. Edv. 6ti.
	11°.	2. Breve Regis Cancellario transmissum de Proclamatione faciendâ pro Piscibus impaccandis secundum Tenorem Actus Parliamenti tempore Edv. 4ti. editi. 3.	Recitat et Confirm. An. 1°. Edv. 6ti.
	12°.	3. Licentia concessa Dominæ Margaretæ Comitissæ Richmondiæ, pro Lectione perpetuâ in Theologiâ instituendâ. 6.	
	17°.	4. A Bond for 500 Marks, given by the Town to the University; the Condition of which is, that the Town stand to the Award of certain Arbitrators agreed upon by both Parties to adjust several contests about Privileges. 7.	
	17°.	5. The award made between the University and Town of Cambridge by certain Arbitrators in the Presence of the noble Lady Margaret, Countess of Richmond, touching their Privileges on both Parts. 8.	The Composition between the University and Town. See an Abstract of it below.

A. D. AN. REG.

18°. 6. An Indenture of Composition made between the University and Town, at the Request of the Lady Margarett, Countess of Richmond, concerning the Privileges on both Parts, after the Award made by the Arbitrators. 21.

Margaret Professor. See below.

18°. 7. Fundatio Dominæ Margaretæ Comitissæ Richmondiæ de uno Lectore publico in Sacrâ Theologiâ cum Statutis. 33.

18°. 8. Conventio Abbatis Westmonasterii pro Solutione Stipendii dicti Lectoris. 38.

19°. 9. Licentia instituendi Cantariam perpetuam unius Prædicatoris Verbi Dei in Universitate Cantebrigiæ ex Fundatione Dominæ Margaretæ Richmondiæ Comitissæ. 39.

Margaret Preacher. See below.

20°. 10. Fundatio dictæ Cantariæ unius Prædicatoris, cum Statutis. 40.

21°. 11. Conventio Abbatis Westmonasterii pro Solutione Stipendii dicti Prædicatoris.

This £10 was given to the Beadles by the Injunctions of Ed. 6th.

20°. 12. A Grant to the University of £10 per An. for Suffrages to be yearly sung for the King, Queen, &c. for ever. 46.

A Non-Graduate worth £5 per An. not to carry Arms by Night or Day, or disturb the Peace of the University on Pain of 20s.

13. Edictum Universitatis de Modo puniendi non Graduatos, qui Tranquillitatem Universitatis perturbant. 53.

HENRICUS OCTAVUS.

A. D. AN. REG.

These are the Barnaby Lectures. See below.

1524. 16°. 1. S^r. ROB^t. READ'S Foundation of three public Lectures in Humanity, Logick, and Philosophy, each £4 per An. to be read in the common Schools in term. 56.

A.D. AN. REG.

2. Articles of Complaint exhibited by the Town against the University for Usurpation of Privileges. 61. — See below.

3. The Universities Answer to the said Articles, with a Memorandum of a Determination made thereon by *the L^d. Chancellor, the Archbishop of Canterbury and the Duke of Norfolk. A. D. 1534. 65. — *Their Jurisdiction is founded on the Award Sup. 43. 5. See below.

26°. 4. Literæ Patentes, quod Universitas licitè habere poterit tres Stationarios, sive Librorum Impressores in perpetuum in Villâ Cantebrigiæ. 70. — Copy'd below.

27°. 5. Injunctiones regiæ ad Universitatem Cantebrigiæ transmissæ, ac per Magistrum Tho. Cromwell dicti Regis Visitatorem generalem et Vicegerentem, ac Universitatis Cancellarium adinventæ. 71. — Here the Study of Canon Law is prohibited: and a Greek and Latin Lecture founded at the Expence of the University.

27°. 6. Articuli Thomæ Leigh, LL D. ac dicti Tho. Cromwell Delegati præmissis Injunctionibus adjecti. 74. — Every Coll. to send in all its Grants, Charters, and Statutes, with a Rental of its Estates and Inventory of its Goods.

27°. 7. An Act that the Lands of the two Universities, and of the Colleges of Eaton and Winchester shall be discharged from Payment of first Fruits and Tenths for ever. 16. — For this Grant each University is to found a public Lecture as the King shall Appoint, and say Mass for him the 8th. of May and Octob.

33°. 8. Decretum Saccarii de bonis Leonardi Metcalfe, Scholaris, nuper de Felonia attincti. 82. — Copy'd below.

35°. 9. An Act for Paving the Town of Cambridge. "In this a paving Leet is appointed "to be held every Easter and Mich^l. by the "Vice-chancellor and Mayor. The Penalty for "every Yard Square of bad Pavement is 6^d. for "every Pole of bad Way in the Lanes not "paved 12^d. The Fines of Scholers and "Scholer's Servants to be levied by the Vice- — The Paving Leet.

A. D. AN. REG.

" chancellor for the Use of the University, " other Fines by the Mayor for the Use of the " Town." 83.

The Vicar of Burwell.

36°. 10. Indentura inter Universitatem et Edvardum North Militem pro Rectoriâ Ecclesiæ de Burwell eidem Universitati approprianda. " The University pays the Vicar of Burwell " £20 per An. and within 4 Months after a " vacancy nominates two Clerkes of which " Sr. Edw. North's Heirs present One 14 " Daies after Notice." 87.

36°. 11. Obligatio dicti Edvardi North Militis de Articulis Indenturæ prædictæ observandis.

36°. 12. Licentia appropriandi Rectoriam de Burwell Universitati per Edv. North. Militem. 91.

36°. Assensus Episcopi Norwicensis cum Confirmatione Decani et Capituli Sanctæ Trinitatis et Archidiaconi de Sudbury pro Rectoriâ de Burwell Universitati Appropriata. 95.

36°. 14. Scriptum Edvardi North Militis de Concessione Advocationis, et Jurispatronatûs Rectoriæ de Burwell. 98.

37°. 15. Mandatum Regis Justiciariis suis transmissum de supersedendo in Executione Brevis versus Rad. Aynsworth Clericum: Et quod fiat Placitum coram Cancellario Ratione Privilegiorum Universitatis. 98.

EDVARDUS SEXTUS.

A. D. AN. REG.

1546. 1°. 1. LITTERÆ Patentes, quibus recitantur et confirmantur hæc omnia quæ sequuntur, viz. Literæ Patentes Edv. 4ᵗᵍ. Sup. 41. 1. —Hen. 6ᵗᵍ. 40. 23.—Hen. 7ᵐⁱ. 43. 1.—Rich. 2ᵈⁱ. 26. 40. et 21. 26.—et Hen. 7ᵐⁱ. 43. 2. 102.

7°. 2. An Act limitting the *Prices of Wines and Number of Taverns through the Realm: with a Proviso for Safety of the Liberties of the two Universities.

*French Wines at 8ᵈ. others at 12ᵈ. a Gallon.

3. A Letter from the Privy Council, that the Mayor of Cambridge, and the Undersherrif of the County shall acknowledge their Offences before the Vice-chancellor and others. A. D. 1547. Copy'd below. 106.

2°. 4. A Letter from the King signifying his Intent to visit the University: with an Inhibition against all such Things, as may be prejudicial to the same Visitation, the filling of any Vacancies in particular. 108.

The Commissioners, here appointed to visit, have an unlimited Power of reforming both Persons and Things, as they see fit.

2°. 5. Literæ Patentes de Visitatione facienda in Universitate Cantebrigiæ et in Collegio de Eaton juxta Windsor.

6. A Letter from the Visitors inhibiting all such *Things, as may be prejudiciall to their Commission of Visitation. A. D. 1548. 111.

* The Alienation of Coll. Lands and Goods in particular.

A.D. AN.REG.

7. Literæ Edvardi Ducis Somersettensis, notificantes Universitati Adventum Visitatorum Regis. A. D. 1549. 111.

3°. 8. Breve Regis Citatorium Cancellario et Procuratoribus transmissum, quod compareant coram Visitatoribus Regis 6°. Die Maii An. 1549. 112.

PHILIPPUS ET MARIA.

A.D. AN.REG.

1. RESPONSIO potentissimi Principis Philippi secundi Hispaniarum Regis ad Literas Universitatis, quas ei dederunt in primo suo Adventu in Angliam. A. D. 1554. 116.

Hebrew, Greek, and Divinity Lectures.

2. Statutum de Officio trium Lectorum publicorum, qui in Academiæ Scholis prælegant, quorum unus Theologiam, alter Linguam Hebraicam, tertius Græcam docet. These Lectures are in Effect confined to the Fellows of Trinity: the Salary for each is £40 per An. the Lecturers are bound by Oath to read four Times a Week in Term. 116.

Purveyors.

3. An Act, tl at no Purveyor or Taker shall take or Bargain for any Kind of Victual or Grain within 5 Miles of Cambridge or Oxford *against the Will of the Owners*: nor shall take or Bargain *at all* for any kind of Victual or Grain in Oxford or Cambridge, or provided by any Common Minister of any College for the Use of that College, within the said

A.D. AN.REG.

Space of 5 Miles, on Pain of 4 times the Value bargained for: half to the University, half to the Informer; to be sued for in any Court of Record, or before the Vice-Chan. and 2 Justices of the County; and also on Pain of 3 Months Imprisonment. 119.

ELIZABETHA REGINA.

A.D. AN.REG.

1561. 3°. 1. CHARTA seu Literæ Patentes amplissimæ, confirmantes diversa Pivilegia antiqua cum Augmentatione novorum. Copy'd below. 122. Allocata est hæc Charta quoad Cognitionem Placitorum An. 29°. Eliz.

3°. 2. The Queen's Injunction, that no Head or Member of any College or Cathedral Church, being married, shall keep his Wife or Family within the Precincts of the same, on Pain of forfeiting all his Ecclesiastical Promotions there. Copy'd below. 131.

3. A Letter from the Privy Council to the Vice-Chancellor, Mayor, and others, for the appeasing of Troubles between the University and Town. A.D. 1564. 132.

9°. 4. Licentia concedendi Terras et Tenementa Universitati, ad clarum annuum Valorem septuaginta Librarum in Manum Mortuam. 132.

5. Some Conference, had in the Star Chamber, touching the uniting of the two Corporations of the University and the Town. 133.

A.D. AN.REG.

6. Another Letter from the Privy Council, calling for Answer and Execution of their former Letter. Sup. 3. A.D. 1568. 135.

13°. 7. An Act for Incorporation of the two Universities, and confirming all their Grants from the Crown, particularly Harry the 8th's. Charter to Oxford, and the Queen's to Cambridge. This Act not to extend to the Prejudice of the Privileges of the City of Oxford and Town of Cambridge. 135.

Purveyors.

13°. 8. An Act, that Purveyors and common Poulterers may take and bargain for Grain or any Victual in Cambridge or Oxford or within 5 miles of either with Leave of the Vice-chancellor. To continue in Force to the last Day of next Parliament. 139.

Made perpetuall 39 Eliz. Chap. 18.

16°. 9. A Grant made to the University of certain Ground by the Archbishop of Canterbury towards the Erection of a new Street now called the University Street. 141.

Act for Corn Rent.

18°. 10. An Act, that, for the future, in all Leases, made by any of the Colleges in either University or by the Colleges of Eaton and Winchester, a third Part of the Rent be reserved to be paid in Corn; viz. in Wheat to be delivered at 6*s*. 8*d*., and Malt at 5*s*. per Quarter: and in Default of such Delivery, the Value of the Corn to be paid in Money, according to the Price of Corn at those Places the last Market Day before the Rent became due. 143.

21°. 11. An Order of the Exchequer, that John Pooley a Privileged Man shall not be impleaded in the Exchequer, but before the Chancellor of the University. 144.

A. D. AN. REG.

Vintners.

12. An Opinion of the two chief Justices touching the Nomination of Vintners, and setting of Prices upon Wines in the University. Copy'd below. 144.

28°. 13. Processus coram Baronibus Saccarii contra Johannem Baxter Universitatis Bedellum in Causâ Informationis pro Retalliatione Vini excessivo Pretio contra Formam Statuti. 145.

30°. 14. A Writ of Privy Seal to the Court of Eschequer for Surcease from Process in the Cause of John Baxter and others, touching an Information for selling of Wines at unlawfull Prices. 151.

29°. 15. Quod Moyses Fowler Scholaris habeat Allocationem Privilegiorum Universitatis coram Justiciariis de Banco juxta Tenorem Chartæ. Sup. 49. 1. 152.

31°. 16. Charta in qua continentur subscripta, viz. Confirmatio quorundam Privilegiorum Chartâ, Sup. 49. 1. concessorum. Explanatio Jurisdictionis Cancellarii, Magistrorum, et Scholarium in Nundinis de Sturesbridge et Bernewell, cum confirmatione Consuetudinum antiquarum. Declaratio qui sunt Ministri et Servientes Scholarium privilegiati. Licentia retinendi Servientes vocatos Reteyners. See an Abstract of this below. 154.

JACOBUS PRIMUS.

	A.D.	AN. REG.	
See below.	1602.	1°.	1. LITERÆ Patentes, quòd Universitas in Posterum eligant de seipsis duos Burgenses Parliamenti. 170.
See below.		2°.	2. Charta seu Literæ Patentes confirmantes varia Privilegia antiqua, et nova insuper adjungentes. 173.
See below.		10°.	3. A Determination of the Privy Council, that the Town of Chesterton is within the Jurisdiction of the University. And that the Vice-chancellor ought to take Place of the Mayor. 186.

The particulars here folloving, are in the V. Chan's. Copy of Hare, and not in the Registers.

Ed. 2dus. 1. LICENTIA instituendi Collegium Scholarium in Mylnstreet per Cancellarium et Magistros Universitatis. Vol. 3. f. 32.

Ed. 3tius. 2. Commissio ad inquirend. et certificand. de Terris, Tenementis, et Libertatibus ad Capell. de Steresbrigg pertinent. An. 1362. ib. f. 58.

Rich. 2dus. 3. Commissio de pace conservanda in villa et suburbiis Cant. salvâ jurisdictione Cancellarii Universitatis. ib. f. 85.

N. B. In this 3d. Vol. of the V. Chan's. Copy there are above 20 more Commissions in the same form with this, or abstracts of it, which are not in the Register's copy. There is one of these Commissions at large in the Register's Copy, Vol. 1. f. 190.

4. Edictum Cancellarii et Universitatis de Habitu Baccalaureorum cujuscunq. Facultatis. ib. f. 106. Hen. 5tus.

5. Statutum Cancellarii et Universitatis de incedendo in Habitibus ad processiones generales. ib. f. 132. Hen. 5tus.

6. A Paper called the Precedency of the V. Chan: and a letter of King James, that Cambridge be not made a city. Vol. 2. f. 148.

7. Several things relating to the Vicaridge of Campsall in the Province of York, particularly the University's presentation to it, and Archbp. Rotheram's Institution of their Clerk. An. D. 1483. Vol. 3, at the end.

N. B. The V. Chan. has a 4th Vol. of Hare, which relates merely to the Town, and has nothing in common with the Register's Copy, only 2 Letters from Edw. the 1st, one called, *Commissio de computo pavimenti villæ Cant. audiendo*, and the other, *Breve de associando Mrum Galfridum Pakenham ad audiendum computum de pavimento*, and one in Edw. the 4th's time, *De magno Ponte reparando.*

JACOBUS PRIMUS.

	A.D.	AN. REG.	
See below.	1602.	1°.	1. LITERÆ Patentes, quòd Universitas in Posterum eligant de seipsis duos Burgenses Parliamenti. 170.
See below.		2°.	2. Charta seu Literæ Patentes confirmantes varia Privilegia antiqua, et nova insuper adjungentes. 173.
See below.		10°.	3. A Determination of the Privy Council, that the Town of Chesterton is within the Jurisdiction of the University. And that the Vice-chancellor ought to take Place of the Mayor. 186.

The particulars here following, are in the V. Chan's. Copy of Hare, and not in the Registers.

Ed. 2dus. 1. LICENTIA instituendi Collegium Scholarium in Mylnstreet per Cancellarium et Magistros Universitatis. Vol. 3. f. 32.

Ed. 3tius. 2. Commissio ad inquirend. et certificand. de Terris, Tenementis, et Libertatibus ad Capell. de Steresbrigg pertinent. An. 1362. ib. f. 58.

Rich. 2dus. 3. Commissio de pace conservanda in villa et suburbiis Cant. salvâ jurisdictione Cancellarii Universitatis. ib. f. 85.

N. B. In this 3d. Vol. of the V. Chan's. Copy there are above 20 more Commissions in the same form with this, or abstracts of it, which are not in the Register's copy. There is one of these Commissions at large in the Register's Copy, Vol. 1. f. 190.

4. Edictum Cancellarii et Universitatis de Habitu Baccalaureorum cujuscunq. Facultatis. ib. f. 106. Hen. 5tus.

5. Statutum Cancellarii et Universitatis de incedendo in Habitibus ad processiones generales. ib. f. 132. Hen. 5tus.

6. A Paper called the Precedency of the V. Chan: and a letter of King James, that Cambridge be not made a city. Vol. 2. f. 148.

7. Several things relating to the Vicaridge of Campsall in the Province of York, particularly the University's presentation to it, and Archbp. Rotheram's Institution of their Clerk. An. D. 1483. Vol. 3, at the end.

N. B. The V. Chan. has a 4th Vol. of Hare, which relates merely to the Town, and has nothing in common with the Register's Copy, only 2 Letters from Edw. the 1st, one called, *Commissio de computo pavimenti villæ Cant. audiendo*, and the other, *Breve de associando Mrum Galfridum Pakenham ad audiendum computum de pavimento*, and one in Edw. the 4th's time, *De magno Ponte reparando.*

CHARTERS AND BULLS,

WITH OTHER

Public Instruments and Documents.

Carta Arthuri *Regis de Immunitatibus Universitati* Cantabrigiæ *concessis.*

ARTHURUS regali à deo fretus dignitate omnibus servis salutem. Quia omnipotens Deus per misericordiam clemenciæ suæ absque ullo antecedente merito sceptra regis mihi largitus est, libenter ex eo quod dedit retribuo. Idcirco ejus gracia eruditus, pro amore cœlestis patriæ remedioque animarum antecessorum meorum Britanniæ Regum, pro augmentatione rei publicæ, regni mei Britanniæ, ac profectu spirituali Scolarium in lege Domini jugiter *Cantabrigiæ* studentium, consilio et assensu omnium et singulorum Pontificum et Principum ejusdem Regni, licentia Sedis Apostolicæ, statuo præsenti scripto et firmiter decerno, ut civitas Scolarium prædicta, ubi hactenus splendorem scientiæ et lumen doctrinæ gratia favente conditores mei predecessores acceperunt, à publicis vectigalibus et operibus onerosis absolvantur, ut quietudine doctores inibi et scolares valeant doctrine studio inherere, sicut gloriosus Rex Britanniæ Lucius decrevit, Christianitatem amplectens prædicatione

Cantalupi Hist. de Antiq. et Orig. Univers. Cantabrigiensis. Edit. per T. Hearn cum Sprotto, p. 268.

doctorum Cantabrig. Quamobrem sint scolares atque doctores Cantabrig. manentes in tranquilitate perpetua, tuti privilegiisque muniti regalibus cum suis rebus et familiaribus ab omnibus secularibus servitutibus, necnon à regalibus tributis majoribus seu minoribus.

Scripta autem est Cartula anno ab Incarnatione Domini 531, septimo Aprilis in Civitate Londoniensi. Et pro ampliori firmitate Rex Arthurus transmisit cartulam prædictam Kynoto, Rectori scolarium civitatis prædictæ, per suum nepotem Walwanum probitate clarum.

Privilegium Regis Cadwaldi *Universitati* Cantabrigiensi *concessum.*

CADWALDUS divina gratia favente rex totius *Britanniæ* omnibus Christi fidelibus tam nobilibus quam plebeiis salutem. Notifico vobis, me concessisse Almerico, rectori scolarium *Cantabrigiæ,* et singulis suis successoribus gitime ordinatis, libertates, jura, consuetudines et privilegia super omnes scolares ibidem moram facientes. Sintque scholares et doctores illius celeberrimæ matris Philosophiæ, civitatis Cantabrigiæ à Cantebro ædificatæ, necnon à Grantino Comite honorabiliter muratæ, ab omni calumpnia, inquietatione et scandalo liberi, sicuti hæredes mei mihi habentur: Eidem insuper Almerico et ejus vicem gerentibus concedo potestatem cognoscendi tam in ignotis causis quam in notis, in modicis et in magnis, et eandem auctoritatem puniendi et dimittendi habeat quam mea curia, tantummodo læsæ majestis crimine excepto, quemadmodum antecessores mei rectoribus ejusdem Civitatis concesserunt, et statuendo confirmaverunt, *viz.* Lucius, Asclepiodorus, Constantinus, Uterpendragon, Arthurus et pater meus Cadwallis Britanniæ

patris altissimi gratia reges, qui civitatis Cantab. habitatores causa doctrinæ et sanctitatis honorantes vitæ, in reverentia habuerunt et amore, cum ex illa civitate præcipua processerunt philosophantes et scientiæ amatores totius Europæ. Quocirca omnipotentis Dei Patris et Filii et Spiritus Sancti auctoritate et perpetuæ Virginis prohibeo et universis regni mei cæterarumque gentium in circuitu persistencium præpositis et primatibus præcipio, ut nullus rectorem civitatis prædictæ, seu scholarem cujuscunque facultatis in eadem perturbare aut inquietare audeat, sed omnes pariter et singuli pontifices, reguli et principes, respectu scholarium et eisdem servientium tam in secularibus quam in ecclesiasticis causis prædicti rectoris juditium expectent, sicuti prædecessores nostri sunxerunt. Si quis autem quovis modo deinceps sub aliqua occasione interumpere atque irritum facere hujusmodi privilegii testimonium nisus fuerit, à consorcio pietatis ultimi examinis ventilabro dispertitus sit.

Scripta Cantab. anno ab incarnatione Dom. 681.

Notat doctus Tho. Hearnius *esse annum* 685, *apud* Caium.

Regis Edwardi, *filii* Alfredi *Confirmatio omnium Privilegiorum Universitatis* Cantabrigiæ.

IN nomine Domini Jesu Christi. Ego Edwardus dei gratia rex Anglorum, divino compulsus amore, præcepto Johannis Apostolicæ sedis episcopi, ac Phlegmundi Cantuariensis Archiepiscopi, consilio omnium sacerdotum & principum meæ dominationis, universa & singula privilegia doctoribus & scholaribus Cantabrig. necnon servientibus eorundem, Ib. p. 279.

ubi ab olim viguit indesinenter mater philosophiæ, & reperitur in presenti fons clerimoniæ, à me data seu antecessoribus meis quomodolibet concessa, stabili jure, grata & rata decerno durare quamdiu vertigo Poli terras ac æquora circa æthera siderum justo moderamine volverit.

Dat. apud Grancester, anno ab Incarnatione Domini 915. Venerabili viro Frithstano civitatis scolarium Cantabrigiæ cancellario & doctori per suum consilium & heredem Athelstanum destinata.

Honorii *primi Papæ Confirmatio Privilegiorum Universitatis* Cantabrigiæ.

Ib. p. 253.

HONORIUS episcopus, servus servorum Dei, dilectis filiis Doctoribus & Scolaribus Universitatis Cantabrigiæ salutem & apostolicam benedictionem. Dilectissimi in Domino filii, non absque labore & plurima turbatione didicimus, quomodo multitudine nefanda Paganorum Universitas vestra olim saluberrima vehementer affligitur, quorum pravitate nonnulli, propriæ salutis immemores, luporum faucibus & vulpina facie libertates & privilegiæ, quæ vobis & prædecessoribus vestris in eadem Universitate Studentibus gratiose indulsit sedes Apostolica, moliuntur enervare. Ita quod plures ecclesiarum præpositi absque rationis jure minus juste in vos jurisdictionem indebitam & insolitam usurpare, quanquam non consueverunt hactenus, ad Universitatem vestram accedunt, materiam perturbationis & discordiæ seminantes, non correccionis, emendationis aut reformationis ibidem officia exercentes, contra inhibitionem sedis Apostolicæ. Volentes igitur, ut tenemur, justicia suadente paci & tranquilitati Universitatis vestræ [illegible]terna sollicitudine salubriter providere, ubi clementia salvatoris poculum doctrinæ salutaris scientiæ *hausimus*

tunc agentes in minoribus, prædecessorum nostrorum Romanæ ecclesiæ Pontificum *Elutherii*, Fabiani, Leonis, Simplicii, Felicis & Bonifacii vestigiis debite inherentes, auctoritate omnipotentis Dei districcius inhibemus sub pæna excommunicationis, quam veniens in contrarium ipso facto incurrat, ne quis Archiepiscopus, Episcopus, Archidiaconus, aut eorum officiales, seu visitatores generales aut speciales, à sede apostolica deputati, audeat in aliquem vestrum suspentionis vel excommunicationis seu interdicti sentencias, aut vos seu familiares vestros molestare præsumat. Sed Cancellarius cum Rectoribus de consilio saniorum & seniorum vestræ Universitatis secundum statuta vestra corrigere, & emendare studeant, caritate semper media, secundum quod magis expedire videbitis. Si quis vero subditorum vestrorum statutis vestris contraire præsumpserit aut contempserit observare, eum ecclesiastica sententia percellatis, quam s. sententiam rationabiliter latam à Diocesano Episcopo quam ab aliis inconcussam usque ad condignam cum humilitate & pœnitentia satisfactionem præcipimus observari. Decrevimus etiam quod nulli omnino hominum liceat hanc paginam nostræ concessionis, voluntatis exemcionis & libertatis infringere, vel ei aliquatenus contraire. Si quis hoc attemtare præsumpserit, indignationem omnipotentis Dei se noverit incursurum.

Script. apud Sanctum Petrum anno ab Incarnatione Verbi secentesimo vicesimo quarto, vecesimo die mensis Februarii.

Alia Confirmatio Sergii *primi Papæ.*

SERGIUS Episcopus, servus servorum Dei, dilectis filiis doctoribus & scholaribus Universitatis Cantabrigiæ in Anglia studentibus salutem & apostolicam benedictionem. Ib. p. 255.

Quoniam fama bonæ opinionis, doctrina fidei orthodoxæ vestræ Universitatis ubique terrarum diffunditur & experti sumus, ut vobis gratiam faciamus inducimur justitia suadente. Ea propter dilecti in Domino filii, vestris piis & honestis, justisque postulationibus annuentes, paci & tranquillitati vestræ Universitatis almæ, ubi odor devotionis cum labore sanctitatis adesse solebat, solicite volentes providere, præsentium auctoritate decrevimus, ut nulli archiepiscopo seu episcopo aliive ecclesiasticæ personæ vel secularii liceat Universitatem vestram aut aliquem vestrum suspendere seu excommunicare vel quolibet sub interdicto ponere, absque summi Pontificis assensu vel ejus mandato speciali. Prohibemus insuper, ne quis privilegia vobis à sede apostolica gratiose concessa vel indulta ausu temerario infringere seu restringere præsumat vel attemptet. Nulli igitur omnino homini liceat hanc paginam nostræ concessionis & exemcionis infringere, vel ei quovis modo contraire. Si quis autem hoc attemptare præsumpserit, indignacionem omnipotentis Dei & beatorum Apostolorum Petri & Pauli se noverit incursurum.

Scripta Romæ in ecclesia Lateranensi anno ab Incarnatione verbi sexcentesimo octogesimo nono.

Bulla Johannis (ut credo) *decimi Papæ pro Confirmatione Universitatis* Cantabrigiensis.

Ib. p. 256.

JOHANNES Episcopus, servus servorum Dei, dilectis filiis Universitatis Cantabrigiæ Eliensis diocesis salutem & apostolicam benedictionem. Inter singula quæ grata nobis oblectacione lætificant, grandi reficimur gaudio & lætitia exultat optata, cum eos, qui cœlesti sunt providentia prædiți, ad populorum regimen & regnorum ad communem subjectorum suorum profectum intentos aspicimus, ipsosque ad publicæ

utilitatis bonum solicitos intuemur. Sane carissimus in Christo filius noster Edwardus, Angliæ rex illustris, prudenter attendens, quod multitudo Sapientum salus est regnorum, quodque non minus prudentium consilio quam fortium strenuitate virorum regencium & regnorum moderamina disponuntur, apud Cantabrigiam Elien. Diocesis locum in regno suo multis commoditatibus præditum & insignem desiderat vigere *studium generale*, & quod à doctoribus & docendis in posterum frequentetur, humiliter postulavit à nobis ut studium ab olim inibi ordinatum & privilegia à Romanis Pontificibus prædecessoribus nostris, vel Regibus Angliæ qui fuerunt pro tempore eidem concessa, apostolico curaremus munimine roborare. Nos igitur suæ intentionis propositum dignis in domino laudibus commendantes, ejusque supplicationibus inclinati, apostolica auctoritate statuimus, ut in prædicto loco Cantabrigiæ sit de cetero *studium generale*, illudque ibidem vigeat perpetuis futuris temporibus in qualibet facultate, volentes auctoritate prædicta & etiam decernentes quod collegium magistrorum & scolarium ejusdem studii Universitas sit censenda & omnibus juribus gaudeat quibus gaudere potest & debet *Universitas* quæcunque legitime ordinata. Ceterum omnia privilegia & indulta & prædicto studio racionabiliter à pontificibus & regibus prædictis concessa auctoritate prædicta confirmamus. Nulli ergo omnino homini liceat hanc paginam nostri statuti, voluntatis, constitutionis, & confirmationis infringere, vel in ausu temerario contraire. Si quis autem hoc attemptare præsumpserit, indignationem omnipotentis Dei, & beatorum Petri & Pauli Apostolorum se noverit incursisse.

Dat. Avinione vj° Idus Julij pontificatus nostri anno secundo.

CHARTA RICHARDI SECUNDI.

QUÆ sequuntur omnia usq. ad fol. 92 confirmantur per Chartam An. 2do. Richardi 2di. Academiæ concessam.

1°. *Literæ Henrici* 3ti. *in hæc Verba.*

De Clericis ad Mandatum Cancellarii per Vicecomt. incarcerandis.

Rex Vicecomiti Cantebrigiæ Salutem. Cum nonnunquàm Contentiones inter Clericos et Laicos oriantur, per quos et contra Coronam nostram, et aliàs multotiès Maleficia perpetrantur. Volentes tam Clericorum quàm Laicorum Paci et Tranquillitati prospicere, prout ad regiam pertinet Dignitatem, Tibi præcipimus, quatenùs cum Clericus aliquis de Universitate Scholarium Cantebrigiæ studentium, Maleficiis potius se immiscens, quàm Studio vacans, á prædictâ Universitate fuerit de Malitiâ notatus, ità quòd Carceri sit mancipandus; et Burgenses dictæ Villæ ad Incarcerationem illam faciendam aut Impotentes fuerint aut negligentes. Tu Malefactorem illum aut Malefactores illos ad Mandatum Cancellarii Universitatis prædictæ capi facias, et Carceri mancipari, et in eo salvò custodiri, donèc a Cancellario ejusdem Universitatis petantur quod a Carcere liberentur; cui sic petenti eosdem facias liberari. Et ita discretè et diligentèr hoc Præceptum nostrum exequaris, quòd in nullo te negligentem reputare possimus. Teste meipso apud Ditton 30° Die Martii, Anno Regni nostri vicessimo sexto.

2do. *Literæ Patentes Henrici* 3tii. *in hæc Verba.*

De Taxatione Domuum Scholarium.

Rex omnibus Ballivis et Fidelibus suis Salutem. Sciatis quod ad Honorem Dei, et Ecclesiæ sacrosanctæ, nec non ad Commodum et communem Utilitatem Scholarium in Municipio Cantebrigiæ studentium, concessimus Cancellario et Scholaribus prædictis, et eorum Successoribus ibidem studentibus, quod omnes Domus ejusdem Villæ, quas Scholaris prædictos inhabitare contigerit, per duos Magistros et duos Burgenses ejusdem Villæ, secundum rationabilem Taxationem, de cetero taxentur de Quinquennio in Quinquennium. Et Ideo vobis mandamus, quòd prædictis Cancellario et Scholaribus contra hanc Concessionem nostram Impedimentum, Molestiam, aut Gravamen non inferatis, vel ab aliquibus inferri permittatis.

In Cujus rei Testimonium has Literas nostras fieri facimus patentes Teste meipso apud Westmonast. 7° Die Feb. Anno Regni nostri 50°.

3tio. *Literæ Patentes Hen.* 3tii. *in hæc Verba.*

Rex omnibus Ballivis et Fidelibus suis, ad quos præsentes Literæ pervenerint, Salutem. Sciatis quod ad Pacem et Tranquillitatem nec non ad Utilitatem Universitatis Scholarium Cantebrigiæ providimus et concessimus quòd duo Aldermanni fiant in Cantebrigiâ, et quatuor de discretioribus et legalioribus Burgensibus ejusdem Villæ associentur ipsis Aldermannis, qui omnes jurent nobis Fidelitatem, et sint assistentes et consulentes Majori et Ballivis nostris Cantebrigiæ ad Pacem nostram conservandam, et ad Assisas prædictæ Villæ custodiendas; et ad investigandos Malefactores et Perturbatores Pacis nostræ, et vagabundos de Nocte, et Receptores Latronum et Malefactorum: et corporale præs-

Jurati-ad Pacem Villæ Cantebrig. conservand:

—et ad Assisas custodiend:

—et ad Malefactores investigand:

tent Sacramentum, quod omnia prædicta fidelitèr observabunt. In qualibet autem Perochiâ Villæ Cantebrigiæ sint duo Homines electi de legalioribus Perochianis et jurati, quod in qualibet Quindenâ inquirent diligentèr ne quis suspectus hospitetur in Perochiâ, et si aliquis receptaverit aliquem per tres Noctes in Domo suâ, respondeat pro eo. Nullus etiam Regratarius emat Victualia in Villâ Cantebrigiæ vel extra versus Villam venientia, nec aliquid emat ut iterum vendat ante Horam tertiam, et si fecerit, amercietur secundum Quantitatem et Qualitatem Delicti. Si vero Laicus inferat Clerico gravem vel enormem Lessionem, statim capiatur: et si magna sit Lessio incarceretur in Villâ ipsâ, et ibi detineatur quousq. Clerico rationabiliter fuerit satisfactum. Si autem Clericus inferàt gravem vel enormem Lessionem Laico, incarceretur in Villâ prædictâ, quotiesq. Cancellarius Universitatis ipsum postulaverit. Pistores et Braciatores Cantebrigiæ in primo transgressu suo amercientur, in secundo Panem amittant et Cervisiam, in tertio Transgressu habeant Judicium de Pillorio vel Tumberello. Quilibet Pistor habeat Sigillum suum, et signet Panem suum per quod possit cognosci cujus Panis sit, quod si non fuerit gravitèr amercietur. Quicunq. de Villâ Cantebrigiæ braciavit ad vendendum, exponat Signum suum, alioquin amittat Cervisiam. Vina Cantebrigiæ communitèr vendantur et indifferentèr tam Clericis quam Laicis, ex quo imbrochiata fuerint. Tentatio Panis fiat bis in Anno, videlicet, in Quindenâ post Festum sancti Michaelis, et circa Festum sanctæ Mariæ in Martio. Et Assisa Cervisiæ fiat eisdem Terminis secundum Valorem Bladi et Brasei. et quotiescunq. debeat fieri Tentatio Panis et Cervisiæ, intersit Cancellarius dictæ Universitatis, vel aliqui ex Parte suâ ad hoc deputati, si super hoc requisiti interesse voluerint. Quod si non intersint, nec super hoc requisiti fuerint, nihil valeat Tentatio prædicta. Preterea volumus quod Villa Cantebrigiæ a Fimis et Sordibus mundetur, et munda teneatur, et quod Aquæductus aperiantur, sicut antiquitùs esse solebant, ac aperti custodiantur, ut

Inquisitio de suspectis Hospitibus.

De Regratariis.

De Clericis et Laicis vim inferentibus.

Pistores, et Braciatores, i. e. *Brewers.*

De Vina vendentibus.

Tentatio Panis.

Assisa Cervisiæ.

De Fimis et Sordibus amovendis.

per eos Sordes effluere possint, nisi alia Necessitas aut Utilitas obstiterit. Et quòd alia Obstacula Transitum impedientia amoveantur. Et præcipuè ut magnum Fossatum Villæ Mundetur: ad quæ observanda ordinentur duo Burgenses ex legalioribus in quolibet Vico, jurati coram Majore et Ballivis, Cancellario et Magistris ad hoc requisitis, si venire voluerint. In Cujus Rei Testimonium has Literas nostras fieri fecimus Patentes. Teste meipso apud Westmonast. 20° Die Febr. Anno Regni nostri 52°.

4to. *Literæ Patentes Hen.* 3^tii^. *in hæc Verba.*

Rex omnibus Ballivis et Fidelibus suis Salutem. Quia Ballivi et Burgenses nostri Cantebrigiæ non solum negligentes existunt, verum etiam impotentes ad Malefactorum Insolentias et alia Magistris et Scholaribus Universitatis ejusdem Villæ nociva modo debito reprimenda, per quod, sicut pro certo intelleximus, contingit, dictos Magistros et Scholares multotiès impediri; ita quòd Actus scholasticos in Quiete (Studentibus maximè necessaria) nequeunt exercere. Nos, dictorum Magistrorum et Scholarium Tranquillitati et Paci prospicere cupientes, Volumus et præcipimus, quod Vicecomites nostri Cantebrigiæ, qui pro Tempore fuerint, quando Ballivi aut Burgenses prædicti negligentes aut impotentes inventi fuerint in Præmissis, hujus modi Malefactores ac Pacis nostræ dictæq. Universitatis Turbatores cum sufficienti posse Comitatûs prædicti (si necesse fuerit) ab hujusmodi Præsumptionibus temerariis penitùs desistere; et prædicta nociva reprimi faciant, cum ex Parte Universitatis prædictæ inde fuerint requisiti. Ità quòd dicti Magistri et Scholares ibidèm Studiis liberalibus applicati, sub Protectione manus nostræ, optatis liberius prospicere valeant Incrementis. In cujus Rei Testimonium has Literas nostras fieri fecimus Patentes. Teste meipso apud Westmonast. 20°. Die Julii Anno Regni nostri 53°.

De Perturbatoribus Pacis per Vicecomit. reprimendis.

5to. *Compositio inter Scholares et Burgenses Cantebrigiæ in hæc Verba.*

In Nomine Domini Amen. Cum inter Magistros et Scholares ac Burgenses Cantebrigiæ et Communitatem ejusdem sæpius fuisset Contentio exorta, cujus Occasione tam Clero quam Populo multa imminebant Pericula; tandem interveniente nobili Viro Domino Edvardo illustris Regis Angliæ primogenito Anno Domini 1270, Mense Aprili, talis Forma pro Periculis imminentibus et futuris vitandis, et pro Pace in posterum observanda, fuit provisa; Videlicet, quod singulis Annis infra Quindenam a Tempore quo Magistri ibidem legentes suas Lectiones resumpserint, post Festum Sancti Michaelis eligantur de quolibet Comitatu Angliæ quinq. Scholares de discretioribus ibidèm commorantibus, et tres de Scotiâ, et duo de Walliâ, et tres de Hiberniâ, et decem Burgenses, scilicet septem de Urbe, et tres de Suburbio, qui Juramentum corporale præstabunt hinc indè tam Clerici quam Laici Vice omnium, quod Pacem et Studii Tranquillitatem observabunt, et ab aliis pro Posse observari curabunt; et consimile Sacramentum omnes alii Clerici et Laici dictis electis præstabunt, viz. quod benè et pacificè in Studio stabunt. Et Si aliqui mali vel rebelles Scholares seu Laici inveniantur, qui prius amoniti vel judicialiter conventi se corrigere noluerunt, ad ipsos capiendos (secundum quod decet Statum eorum et Ordinem clericalem) Burgenses juvabunt. Eligantur etiam in Forma prædictâ certi Magistri, qui Nomina omnium Principalium, et singularum Domuum scribant, et omnium in eisdem Domibus habitantium, qui similitèr eisdem jurabunt Principalibus specialitèr jurantibus quòd nullum Pacis Perturbatorem in suis Hospitiis scientèr recipient. Et si postquam recepti fuerint, tales inveniantur, quòd incontinenti Personis juratis et electis denunciabunt. Laici etiam Familiam et Inquilinos

Electi et jurati ad Pacem, tam Scholares quam Laici.

Incorrigibiles capiendi.

Magistri electi ad Pacem.

in suis Domibus habentes consimile Sacramentum præstabunt, et à sua Familia ac Inquilinis recipient. Quod si aliqui rebelles inveniantur tam per Clericos quàm per Laicos in Formâ prædictâ, extra Universitatem seu Communitatem ejiciantur. Et Si tanta fuerit rebellium Multitudo, quòd per Burgenses cum Cleri Auxilio ejici non possit, Domino Regi et suo Consilio denuncietur. Cœterùm si contingat aliquos hujusmodi electorum Clericorum vel Laicorum dicto Termino abesse, habeant Potestatem alios Loco eorum subrogare. Ordinatum est etiam quòd singulis Annis in Resumptione Magistrorum, prius stent electi tàm Clericorum quàm Laicorum, vel quod alii de novo eligantur, omnibus et singulis Privilegiis dictæ Universitati priùs per Dominum Regem vel Predecessores suos concessis, in suo Robore duraturis. Et ad præmissa omnia et singula fidelitèr observanda; Clerici Laicis, et Laici Clericis, Sacramento præstito corporali, se invicem obligarunt; et huic Scripto in Modum Chirographi confecto, commune Sigillum Universitatis Cantebrigiæ, et Sigillum commune Burgensium, unà cum Sigillo Domini Regis apponi fecerunt.

Rebelles ejiciendi.

6to. *Literæ Patentes Hen.* 3^tii^. *in hæc Verba.*

Rex omnibus ad quos præsentes Literæ pervenerint Salutem. Quia dilectis nobis in Christo Magistris et cæteris Scholaribus Universitatis Cantebrigiæ per Comites, Barones, Milites, et alios Torneamenta ibidem exercentes, Aventuras Quærentes, et ad Arma euntes, frequentiùs solent Pericula et incommoda multipliciter evenire; quæ, si tollerarentur, in Dissidium ibidèm Studentium per Processum Temporis cedere possint manifestè; quod sustinere nolumus, sicut nec debemus. Nos indemnitati Magistrorum et Scholarium prædictorum volentes in hac Parte, quatenus fieri poterit providere, concessimus eis de Gratiâ nostrâ speciali, quod

Ne fiant Justæ per quinq. Milliaria Villæ Cant. circumquaq.

Torneamenta aliqua, Aventuræ, Justæ, seu hujusmodi Hastiludia non fiant de cætero in Villâ prædictâ seu per quinq. Milliaria circumquaq. Et prohibemus sub gravem Forisfacturam nostram, ne quis de Regno nostro apud Villam prædictam, seu alibi infra prædicta quinq. Milliaria circumquaq. torneare, Justas facere, seu Aventuras, vel alia Hastiludia quærere præsumat contra Concessionem nostram prædictam. In Cujus Rei Testimonium has Literas fieri fecimus Patentes. Teste meipso apud Westm. 24°. Die Julii Anno Regni nostri 54°.

7°. *Pars Chartæ Edv.* 2^di^. *An. Reg.* 10°. *in hæc Verba.*

—Præterea volentes eisdem Cancellario, Magistris, et Scholaribus Gratiam facere uberiorem, Concessimus eis pro nobis et Hæredibus nostris, et hac Charta nostra confirmamus, quod iidem Cancellarius Magistri et Scholares et Successores sui in perpetuum habeant infra prædictam Villam Cantebrigiæ et Suburbia ejusdem Libertates subscriptas.

Regratarii empta Victualia forisfaciant.

Imprimis, quod cum præfatus Dominus Henricus Progenitor noster providisset et concessisset; quòd. nullus Regratarius emat Victualia in Villâ Cantebrigiæ, vel extra versus Villam venientia, nec aliquid emat, ut iterum vendat ante Horam tertiam. Et quod, si fecerit, amercietur secundum Quantitatem et Qualitatem Delicti, sicut in Chartâ suâ superiùs est expressum. Volumus quod si aliquis Regratarius emat Victualia aliqua contra Tenorem Provisionis et Concessionis prædictarum, tunc, ultra Penam in eisdem Provisione et Concessione contentam, Rem sic emptam amittat. Præterea cum in Charta prædicti Progenitoris nostri contineatur, quod si Laicus inferat Clerico gravem vel enormem Lessionem, statim capiatur; et si magna sit Lessio incarceretur in Villâ ipsâ, et ibi detineatur, quousq. Clerico rationabiliter fuerit satisfactum. Et si Clericus inferat gravem vel enormem Lessionem Laico, incarceretur in Villâ prædictâ

quousq. Cancellarius Universitatis ipsum postulaverit. Volumus quòd si Laicus Clerico vel Clericus Laico levem Transgressionem inferat, illud idem in omnibus observetur. Et quod si forte Cancellarius Universitatis prædictæ, qui pro Tempore fuerit, credat vel verisimilitèr conjecturet, quòd sic incarcerandi indebitè custodiantur, tunc Custodes illorum incarceratorum ad Petitionem ejusdem Cancellarii vel alicujus Magistri per ipsum Cancellarium ad hoc deputandi, ipsum Cancellarium seu Magistrum prædictum dictos incarceratos et Modum Custodiæ eorundem supervidere permittant quoties necesse fuerit, et Cancellario visum fuerit expedire; et Defectus vel Excessus (si quem in dictâ Custodiâ inveniri contigerit) ad Denuntiationem Cancellarii corrigatur. Et Insuper quòd Clerici laicum Fœdum habentes et Cantebrigiæ studentes, quamdiù Studiis ibidèm inhæreant, et sub Habitu clericali in suo Studio laudabilitèr proficiant, non ponantur in Assisis, Juratis, seu Recognitionibus aliquibus. Et Etiam, quòd si Scholaris dictæ Universitatis in eadem Villâ vel Suburbio ejusdem interficiatur; vel Scholari ejusdem Universitatis gravis vel enormis Lessio ibidem inferatur; et Ballivi Villæ prædictæ negligentes fuerint in faciendo vel exequendo ea, quæ ad Officium suum in hujusmodi pertinent, propter quod iidem Ballivi et Communitas Villæ prædictæ amerciari debeant et puniri, dicta Communitas per se, et prædicti Ballivi per se amercientur et puniantur. Et Similitèr quotiescunq. et quandocùnq. Major et Ballivi Cantebrigiæ Sacramentum Fidelitatis suæ præstabunt in Loco suo Communi, quod Communitas ejusdem Villæ præmoneat Cancellarium ut per se vel per aliquas certas Personas Præstationi Juramenti prædicti certo Die faciendi si voluerit intersit; quod quidem Juramentum tale erit, quoad Scholares prædictos, videlicet, quod ipsi Major et Ballivi Libertates et Consuetudines Universitatis prædictæ quoad Conservationem Pacis nostræ, et Assisæ Panis et Cervisiæ et Victualium pro Viribus conservabunt, et quòd alias Libertates et Consuetudines ejusdem Universitatis debitas quate-

De Clericis et Laicis vim inferentibus.

Cancellarius incarceratos supervideat.

Clerici non ponantur in Assisis.

De Juramento Majoris et Ballivorum.

nùs sibi de eisdem constiterit indebite sèu malitiòse non impugnabunt, alioqùi non valeat Juramentum ipsorum, sed iterùm præstetur secundum Formam præscriptam. Si vero dictus Cancellarius sic præmonitus per se vel per Procuratorem interesse noluerit, ad hujusmodi Juramentum nihilominùs procedatur. Et quod, si aliquis Burgensis aliquem de Familiâ suâ, qui gravem seu enormem Transgressionem Scholari vel suis intulerit, post Transgressionem commissam scientèr receptaverit, et ipsum absconditum tenuerit, quo minùs inveniri valeat, prout justum fuerit, castigandus, respondeat Burgensis pro hujusmodi Familiari suo, et nihilominùs erga nos graviter puniatur. Item, cum in Chartâ prædicti Progenitoris nostri superiùs expressa contineatur, quòd, quotiescunq. debeat fieri Tentatio Panis et Cervisiæ, intersit Cancellarius prædictæ Universitatis, vel aliqui ex Parte suâ ad hoc deputati, si super hoc requisiti interesse voluerint, quod si non intersint, nec super hoc requisiti fuerint, nihil valeat Tentatio prædicta. Volumus, quod cum ex nunc hujusmodi Tentatio a prædictis Burgensibus fieri debeat, præcedenti Die secreto denuntietur Cancellario, vel ejus Locum tenenti vel per se vel per aliquos ad hoc deputandos intersit, si voluerit, Tentationi prædictæ, sicut prædictum est; et quòd illi quos sic ad hoc per Cancellarium contigerit deputari coram eodem Cancellario in Præsentiâ sic præmonentium si interesse voluerint Juramentum præstent, quòd Præmonitionem seu Tentationem hujusmodi, ante Tentationem illam factam, nulli quomodolibèt revelabunt; et Ulteriùs in eodem Negotio quatenus ad eos attinet, bene et fidelitèr se habebunt. His Testibus, &c. Dat. per Manum nostram apud Claryndon 14°. Die Feb. Anno Regni nostri 10°.

Nemo abscondet transgressorem in Scholares.

Tentatio Panis et Cervisiæ.

The Order of Edw. III. *commanding the Friars to renounce and suspend the Execution of all Papal Bulls.*

Parl. 40. Ed. 3. Num. 9, 10, 11.

ET issint mesme le lendemain les Universiteez de Oxenford & Cantebrigg, & les Freres de quadre ordres Mendicantz compleinantz par lour Peticions mis devant le Roy en Parlement, sur diverses outrages, debatz, damages & Meschiefs faitz & attemptez d'un part & d'autre, les Chancellers & Procurours des ditz Universiteez, & les Provinciales & Ministres des ditz Ordres adonqes presentz, & soi submittantz de tout en l'Ordinance du Roi; Estoit assentu & ordeine par le Roi de l'Assent des Prelatz, Ducs, Countes & Barons, sur les ditz debatz, damages, outrages & Meschiefs de tout ouster & adnuller en manere desouth escrite. Nostre Seignur le Roi en ce Parlement eue Deliberacion plein & avys oue les Prelatz, Grantz, & Sages de son Conseil, sur diverses grevances, outrages, controverses & debatz mevez perentre les Universiteez de Oxenford & Cantebrigg d'un part, & les quadre Ordres de Freres Mendicantz d'autre part: & monstrez a lui per lour Peticions en mesme Parlement sur pluseurs Pointz de Privileges & Immunitez clamez d'un part & d'autre, en presence des Chancelliers & Procurours des ditz Universiteez, eantz plein pouir de ditz Universiteez, & des Provinciales & Ministres de ditz Ordres, eantz plein pouir de ditz Ordres, & eux submittantz de lour bon gree en haut & bas, & sanz ascun retenue ou Reservacion al Ordinance nostre dit Seignur le Roi, des pointz de grevances, controverses & debatz, mues entre eux celle partie

de l'assent des ditz Prelatz, Nobles, Grantz & Sages, en mesme le Parlement, pur aise, quiete & tranquillite des ditz Universiteez, & des Estudientz en ycelles, ad ordeine, voet & commande, que les Chancellers des ditz Universiteez, Maistres, Regentz & Non-regentz, & toutz autres des ditz Universiteez, les Freres des ditz Ordres illeoqes demurrantz & a demurrer, tretent & amenent en graces & toutes autres choses que touchent fait descoler, & les Freres ensement ce cient & contienent devers les Universiteez & chescune persone d'ycele honestement, saunz rumour, & amiablement en toutes choses, solone ce & en manere come soloient & fesoient devant l'Estatut fait nadgairs en les ditz Universiteez conteinent, que nul des ditz Ordres recevroit en lour ditz Ordres Escolers de les ditz Universiteez deinz l'age de 18 anns, quele Estatut le Roi voet que soit oustez & tenu pur nul. Et que nul novel Estatut sembleable, ou Ordinance soit fait en mesmes les Universiteez qui soit prejudiciele as avantditz Freres saunz bon & mature deliberacion. Et aussi voet le Roi, que l'Execucion de touz les Impetracions des Bulles & Proces, faitz ou pursuite ou affaire ou pursuer en temps avenir en la Court de Rome, & aillours par les Freres des ditz Ordres, ou nul persone singulere de ycelles en general ou especial, countre la dite Universitie, ou ascune persone d'ycelle, puis la fefance du dit Estatut, cesse de tout, & soit mys a neant. Et ensement, que mesmes les Freres renoncien de fait & parole a tout avantage que prendre peussent per vertu de touz tieux impetracions faitz per eux ou nul de eux contre les ditz Universiteez, ou ascune persone d'ycelles, en general ou especial, & proces si nul soit commence ou fait, celle partie sur mesmes les Impetracions puis la dite Ordinance de l'Estatut fait per les ditz Universiteez, encea de tout cessent & perdent force & vigour.

8vo. *Pars Chartæ Edv.* 3^tii. *An. Reg.* 1°. *in hæc Verba.*

—Præterea cum in Chartis prædictis [Hen. 3^tii. et Edv. 2^di.] contineatur, quòd, si Laicus Clerico vel Clericus Laico Lessionem inferat, statìm capiatur, et non sit Mentio in iisdem per quem capi debet; Nos hujusmodi Dubium declarare volentes, volumus et concedimus pro nobis et Hæredibus nostris, quòd Major et Ballivi Villæ prædictæ omnes Transgressores, coram Cancellario vel ejus Vices gerente de hujusmodi Lessionibus convictos, et ea Occasione Prisonæ adjudicatos, ad Denuntiationem ejusdem Cancellarii vel ejus Vices gerentis recipiant; et si necesse fuerit assumpto ad hoc posse Villæ prædictæ capi et ad Prisonam duci et ibidèm custodiri faciant, quousq. deliberentur juxta Tenorem Chartarum prædictarum. Insuper, cum in Charta prædicti Hen. Progenitoris nostri contineatur, quod Pistores et Braciatores Cantebrigiæ in primo Transgressu suo amercientur, in secundo Panem amittant vel Cervisiam, in tertio Transgressu habeant Judicium de Pillorio vel Tumberello; et Major et Ballivi Villæ prædictæ Punitiones prædictas Modo debito hactenùs non fecerint; sed Redemptiones tam pro secundo et tertio Transgressu, quàm pro primo receperint; propter quod assisa prædicta in prædicta Villâ minùs benè observatur, ut accepimus. Nos *pro Punitione* hujusmodi Transgressorum volentes Remedium contra hoc apponere, prout decet, Volumus et concedimus pro nobis et Hæredibus nostris, quòd Cancellarius Universitatis prædictæ, qui pro Tempore fuerit, vel ejus Vices gerens ad hoc juxta Formam Chartæ prædictæ præmunitus, seu aliquis Magister per ipsum Cancellarium vel ejus Vices gerentem ad hoc specialitèr deputatus quotiens Tentatio seu Assaia in Villâ prædicta de Pane et Cervisia fieri debet, intersit una cum Majore et Ballivis

Transgressores convicti capiantur per Majorem et Ballivos.

Villæ prædictæ Tentationi et Assaiæ faciendæ, et supervideant quod Transgressores Assisæ prædictæ amercientur et puniantur secundum Formam Chartæ prædictæ. Et Volumus, et præcipimus quod Nomina omnium hujusmodi Transgressorum eidem Cancellario vel ejus Vices gerenti aut Deputato vel eorum altero per prædictos Majorem et Ballivos in singulis Tentationibus et Assaiis hujusmodi per Indenturam liberentur, ita quod eis constare possit, quòd prædictæ Punitiones debito Modo fiant. His Testibus, &c. Dat. per Manum nostram apud Nottingham 22°. Die Octobris. Anno Regni nostri 1mo.

Transgressores contra Assisam Panis et Cervisiæ.

9°. *Literæ Patentes Edv.* 3^tii. *in hæc Verba.*

De Cognitione Placitorum, et Imprisonamento Scholarium.

Rex omnibus ad quos præsentes Literæ pervenerint Salutem. Sciatis quod ad Fructus uberes, quos dilecta nobis Universitas Cantebrigiæ, Mater et Propagatrix Studentium peritorum, in Ecclesiâ Dei suâ Fæcunditate produxit, et etiam ad Locum bonum quem fructuosi Palmites ex ipsius Universitatis Gremio prodeuntes nobis et Progenitoribus nostris in Consiliis et agendis aliis tenuerunt, et tenere poterunt in futuro, dignæ Considerationis Intuitu dirigentes; et pensantes quod Studentes ibidem tanto libentiùs et avidiùs proficere poterunt in Studio, quantò magìs a Laicorum et aliorum Inquietudine liberi fuerint et quieti; volentesq. Consideratione præmissâ dictam Universitatem Favoribus prosequi gratiosis, Volumus et concedimus pro nobis et Hæredibus nostris Cancellario, Magistris, et Scholaribus Universitatis prædictæ et Successoribus suis, quòd in Causis Clericorum ejusdem Universitatis ex mutuis datis et receptis, ac Taxationibus et Locationibus Domorum, Equis conductis, venditis, seu commodatis, ac Pannis et Victualibus mutuum habentibus, et aliis quibuslibet Rerum mobilium Contractibus, in Villa Cantebrigiæ seu Suburbiis ejusdem Ortum habentibus, Prohibitio nostra vel Hæredum nostrorum de

Quod Causæ Studentium decidantur coram Cancellaria, vel Commissario.

cætero aliquibus futuris Temporibus non currat, nec Locum habeat; sed Causæ hujusmodi coram Cancellario Universitatis prædictæ, qui pro Tempore fuerit, vel ejus Commissario, vel ejus Locum tenente, non obstantibus hujusmodi Prohibitionibus regiis perpetùo decidantur. Volumus etiam et concedimus pro nobis et Hæredibus nostris, quòd quilibet Burgensis dictæ Villæ pro Familiâ suâ et Servientibus suis respondeat in Emptionibus et Venditionibus Vini et aliorum Victualium quorumcunq. ipsorum Burgensium, tam in Suburbiis quam in Villa prædictis Venditioni expositorum, ubi Scholaris est una Partium, ipsis Burgensibus, de Excessibus et Injuriis per Familiam vel Servientes suos in hujusmodi Emptionibus vel Venditionibus factis per præfatum Cancellarium, vel ejus Vicesgerentem semel vel bis si opus fuerit, debitè præmunitis; Et quod dictus Cancellarius vel ejus Commissarius aut Locum tenens qui pro Tempore fuerit Cognitionem de hujusmodi Excessibus et Injuriis in Emptionibus et Venditionibus prædictis, ubi Scholaris est una Pars, ut prædicitur, habeat; et Delinquentes in hac Parte puniri faciat, prout decet. Insuper, cum Cancellarius Universitatis prædictæ pro Quiete ejusdem Universitatis, et Conservatione Pacis nostræ ibidèm, ac Malefactorum Maleficiis refrænandis, Clericos in eadem Universitate delinquentes tam pro Suspicionibus et aliis Causis diversis pro majoribus Damnis et Periculis evitandis, quam pro Delictis suis investigari, et capi facere, sæpiùs et diversimodè oporteat, et Committere Custodiæ carcerali; et idem Cancellarius metuat se ad Prosecutionem hujusmodi imprisonatorum de Imprisonamentis illis posse in posterum prægravari; et nobis sit supplicatum ut Indemnitati Cancellarii dictæ Universitatis velimus prospicere in hac Parte. Nos desiderantes, quòd Pax nostra ubiq. inviolabilitèr observetur; et Delinquentes in eadem Universitate ad majorem Quietem et Tranquillitatem ejusdem debitè castigentur: ac volentes Cancellarii Universitatis prædictæ pro Tempore existentis Securitati in Præmissis providere, Volumus et concedimus

Quod Burgenses præmuniti pro Servientibus suis respondeant.

Causæ de emptis Victualibus, ubi altera Pars est Scholaris, coram Cancel. vel. Commis. decidantur.

Quod Cancellar. vel Commissar. de Imprisonamento Scholarium non molestetur.

pro nobis et Hæredibus nostris, quantum in nobis est, quod Cancellarii ejusdem Universitatis qui hactenùs fuerunt, vel ex nunc erunt, aut eorum Commissarii vel Loca tenentes Occasione Imprisonamentorum Scholarium dictæ Universitatis seu aliorum per ipsos Cancellarios pro Conservatione Pacis et Quiete Universitatis prædictæ, ac Punitione et Castigatione Malefactorum hujusmodi ibidem hactenus Imprisonatorum, seu ex nunc imprisonandorum, illorum videlicet qui in eâdem Universitate in Villâ et Suburbiis prædictis Scholaribus seu eorum Servientibus aut aliis de Jurisdictione Universitatis prædictæ Delinquentes inventi, seu de Maleficiis ibidem perpetratis notorie suspecti vel convicti fuerint, per Brevia nostra vel Hæredum nostrorum de audiendo et terminando vel de falso Imprisonamento, seu quovis alio Colore in Curiis nostris vel Hæredum nostrorum, sive aliis aut alibì nullatenùs Occasionentur, inquietentùr, molestentur in aliquo, seu graventur. In cujus Rei Testimonium has Literas nostras fieri fecimus Patentes. Teste Meipso apud Westmonast. 19° Die Septem^{b}. Anno Reg. nostri Ang. 17°. Fran. vero 4to.

10°. *Literæ Patentes Edv.* 3^{tii}: *in hæc Verba.*

De publicis Mulieribus.

Rex omnibus ad quos præsentes Literæ pervenerint Salutem. Dignum esse censemus, et gratum altissimo non immerito reputamus Quieti et Honestati Scholarium talitèr providere, ut ipsi subtractis quibuscunq. Occasionibus ex quibus vagandi Materiam valeant assumere, vel alitèr delinquendi, studiis et scholasticis Disciplinis intendant assiduè, sicut decet. Considerantes itaq. quòd per Mulieres publicas (si in Villâ Cantebrigiæ vel Suburbio ejusdem Moram trahere sinerentur) Damna et Pericula quàm plurima multotiès evenire, et Juvenes ibidèm studentes, juvenili Lasciviâ stimulante, per Mulieres hujusmodi decipi poterunt de facili et fraudari, Studium deserendo, propriisq. Voluptatibus adhæ-

rendo; Concessimus, quod nulla publica Mulier infra dictam Villam Cantebrigiæ vel Suburbium ejusdem conversetur seu moretur. Et quod super hoc ad Denuntiationem Cancellarii Universitatis Cantebrigiæ vel ejus Vices gerentis quædam Proclamatio seu Inhibitio ex Parte nostra per Majorem et Ballivos dictæ Villæ quatèr in Anno vel Pluries, si necesse fuerit, fiat in eadem Villâ. Et Si aliquæ hujusmodi Mulieres ultra tres Dies post Proclamationem seu Inhibitionem hujusmodi in Villâ prædictâ vel Suburbio ejusdem inveniantur conversantes, tunc ad Denuntiationem dicti Cancellarii vel ejus Vices gerentis per Majorem et Ballivos villæ prædictæ, qui pro Tempore fuerint, capiantur, et in Prisonâ nostrâ villæ illius imprisonentur, quousq. per ipsum Cancellarium vel ejus Vices gerentem inde fuerint deliberatæ. In Cujus Rei Testimonium has Literas nostras fieri fecimus Patentes. Teste Meipso apud Nottingham 23° Die Octob. An. Reg. nostri 1mo.

Mulieres publicæ in Villâ Cant. diutiùs commorantes, imprisonandæ.

11°. *Literæ Patentes Edv. 3ti. in hæc Verba.*

Rex omnibus ad quos præsentes Literæ pervenerint Salutem. Supplicaverunt nobis dilecti nobis in Christo Cancellarius et Scholares Universitatis Cantebrigiæ per Petitionem suam coram nobis et Consilio nostro in Parliamento nostro exhibitam; quòd, cum per Chartas Progenitorum nostrorum quondam Regum Angliæ, pro Pace, Tranquillitate, et Utilitate Universitatis prædictæ, provisum sit et concessum; quòd Major et Ballivi dictæ Villæ Cantebrigiæ, et duo Aldermanni, quatuor Burgenses de Majoribus ejusdem Villæ, et duo Burgenses de qualibet Perochiâ, ad Pacem Universitatis et Villæ prædictarum conservandam et manutenendam, quolibet Anno Juramenta præstent corporalia; ac iidem Major et Ballivi, Aldermanni, et Burgenses in Conservatione et Manutenentiâ Pacis prædictæ (pro eo quod ipsi hujusmodi Juramenta ante hæc Tempora minimè vel rarò

De Juramento Majoris, Aldermannorum, et Ballivorum.

fecerunt) negligentes fuerunt et remissi, Velimus pro Utilitate, tranquillitate, et Quiete Universitatis prædictæ concedere, quòd Major, Ballivi, Aldermanni et Burgenses Villæ prædictæ qui pro Tempore fuerint, ad Pacem Universitatis et Villæ prædictarum electi, hujusmodi Juramenta coram Cancellario Universitatis prædictæ vel ejus Locum tenente quolibet anno facere teneantur. Nos considerantes dictam Supplicationem tam in Scholarium Universitatis prædictæ, quam omnium aliorum in eadem Villâ degentium, et ad eam confluentium, Utilitatem communem cedere manifestè; volentesq. eâ Consideratione dictæ Supplicationi condescendere gratiosè, Cancellario Universitatis prædictæ, qui pro Tempore fuerit, vel ejus Locum tenenti, recipiendi Nomine nostro singulis Annis Juramenta ipsorum Majoris, Ballivorum, Aldermannorum, et Burgensium, ad Pacem Universitatis et Villæ prædictarum conservandam et manutenendam Tenore præsentium plenam committimus Potestatem. Volentes et concedentes quod iidem Major, Ballivi, Aldermanni, et Burgenses hujusmodi Juramenta coram præfato Cancellario vel ejus Locnm tenente de cætero faciant. Et Quod omnes alii Articuli in Chartis dictorum Progenitorum nostrorum Conservationem Pacis Universitatis et Villæ prædictarum contingentes pleniùs observentur. In Cujus Rei Testimonium has Literas nostras fieri fecimus Patentes. Teste meipso Apud Westm. 20°. Die Martii An. Reg. nostri 10mo.

Juramentum comm Cancel. præstandum.

12°. *Literæ Patentes Edv. 3tii. in hæc Verba.*

De Tentatione Panis et Cervisiæ.

Rex omnibus ad quos præsentes Literæ pervenerint Salutem. Supplicaverunt nobis dilecti nobis in Christo Cancellarius et Scholares Universitatis Cantebrigiæ per Petitionem suam coram nobis et Consilio nostro in Parliamento exhibitam, quod cum per Chartas Progenitorum nostrorum quondam Regum Angliæ concessum sit; quod Tentatio Panis et Cervisiæ in Villâ prædictâ per Majorem et Ballivos

Villæ prædictæ fiat; Et quod Cancellarius prædictæ Universitatis vel aliqui ex Parte suâ ad hoc deputati intersint; Ac iidem Major et Ballivi in Tentatione seu Assaia hujusmodi Panis et Cervisiæ negligentes ante hæc Tempora fuerint; et hujusmodi Tentationem seu Assaiam quoties opus fuerit facere non curaverint, Velimus pro Utilitate et Tranquillitate Universitatis prædictæ concedere, quòd Major et Ballivi Villæ prædictæ, qui pro Tempore fuerint, hujusmodi Tentationem vel Assaiam Panis et Cervisiæ in Villâ prædictâ quoties per Cancellarium Universitatis prædictæ vel ejus Locum tenentem fuerint requisiti de cætero facere teneantur; Nos considerantes dictam Supplicationem tam in Scholarium Universitatis prædictæ, quam omnium aliorum in eadem Villâ degentium, et ad eam confluentium Utilitatem communem cedere manifestè; volentesq. eâ Consideratione dictæ Supplicationi condescendere gratiosè. Volumus et concedimus pro nobis et Hæredibus nostris quod Major et Ballivi Villæ prædictæ, qui pro Tempore fuerint, Tentationem seu Assaiam Panis et Cervisiæ in Villa prædictâ, quotiès per Cancellarium Universitatis prædictæ qui pro Tempore fuerit vel ejus Locum tenentem fuerint requisiti de cætero faciant; Et quod omnes alii Articuli in Chartis dictorum Progenitorum nostrorum hujusmodi Tentationem vel Assaiam Panis et Cervisiæ in Villa prædictâ contingentes, pleniùs observentur. In Cujus Rei Testimonium has Literas nostras fieri fecimus Patentes. Teste Meipso apud Westm. 20°. Die Martii Anno Regni nostri 10°.

Tentatio Panis et Cervisiæ ad Requisitionem. Cancel. faciendа.

13°. *Literæ Patentes Edw. 3ti. in hæc Verba.*

Rex omnibus ad quos præsentes Literæ pervenerint Salutem. Constat nobis per Inspectionem Rotulorum Cancellariæ nostræ, quòd nos nuper Breve nostrum clausum fieri fecimus in hæc Verba.

Exemplificatio Literar. de salvâ Custodiâ incarceratorum.

" Edvardus Dei Gratiâ Rex Angliæ, Dominus Hiberniæ,

" et Dux Aquitaniæ Majori et Ballivis Villæ Cantebrigiæ " Salutem." Cum inter cæteras Libertates dilectis nobis in Christo Cancellario et Scholaribus Universitatis Cantebrigiæ per Chartas Progenitorum nostrorum quondam Regum Angliæ (quas per Chartam nostram confirmavimus) concessas, concessum sit iisdem, quòd cum aliquis Clericus de Universitate prædictâ (Maleficiis potiùs se immiscens quam Studio vacans) a prædicta Universitate fuerit de Malitiâ notatus, ita quod Carceri sit mancipandus, quòd Malefactor prædictus ad Mandatum Cancellarii Universitatis prædictæ capiatur et Carceri mancipetur, et in eo salvò custodiatur, donec a Cancellario prædicto petatur, quòd a Carcere liberetur. Et quod si Laicus inferat Clerico gravem vel enormem Lessionem statìm capiatur, et si magna sit Lessio incarceretur in Villâ ipsâ, et ibidem detineatur, quousq. Clerico rationabiliter fuerit satisfactum, prout in Chartâ et Confirmatione prædictis pleniùs continetur. Ac Jam ex Parte eorundem Cancellarii et Scholarium nobis sit ostensum, quod quidam, Libertates ipsorum Cancellarii et Scholarium prædictas enervare Machinantes, diversa Brevia nostra de diversis Clericis et Laicis, pro hujusmodi Maleficiis et Transgressionibus in eadem Villâ perpetratis, ad Mandatum Cancellarii prædicti captis et imprisonatis, replegiandis, Vicecomiti nostro Cantebrigiæ ante hæc Tempora tulerunt, et indiès deferre non desistunt. Quòdq. vos, Prætextu Returni hujusmodi Brevium nostrorum vobis per Vicecomitem nostrum prædictum facti seu directi, hujusmodi Clericos et Laicos, in Prisonâ nostrâ et in Custodiâ vestrâ de Mandato Cancellarii Universitatis prædictæ existentes, ab hujusmodi Prisonâ deliberari fecistis, et indiès déliberare non desistitis, in ipsorum Cancellarii et Scholarium Dispendium non modicum et Libertatum suarum prædictarum Enervationem manifestam; super quo iidem Cancellarius et Scholares per Petitionem suam coram nobis et Consilio nostro in Parliamento nostro exhibitam nobis supplicaverunt sibi per nos Remedium adhiberi;

Nos Considerantes dictas Libertates ipsorum Cancellarii et Scholarium pro Pace et Tranquillitate et Utilitate Universitatis prædictæ per Progenitores nostros concessas, et per nos confirmatas, per hujusmodi Machinationes callidas, si hujusmodi Malefactores et Transgressores ac Pacis Universitatis prædictæ Violatores pro Maleficiis suis incarcerati per hujusmodi Brevia nostra deliberentur, totalitèr posse enervari; volentesq. tam pro Pacis nostræ Conservatione, quam pro Cancellarii et Scholarium prædictorum Tranquillitate et Quiete hujusmodi machinationibus obviare, et Libertates prædictas manutenere, ut tenemur; Vobis mandamus, firmitèr injungentes, quod aliquos hujusmodi Malefactores seu Transgressores per Cancellarium Universitatis prædictæ seu ejus Locum tenentem Prisonæ adjudicatos seu mancipatos, et in Custodiâ vestrâ existentes per hujusmodi Brevia, seu Returna eorundem ab hujusmodi Prisona de cætero nullatenùs deliberetis, seu deliberari permittatis; Scientes quòd si secus feceritis, ad vos tanquàm ad Mandatorum nostrorum Contemptores, et prædictorum Malefactorum et Transgressorum Manutentores et Fautores gravitèr Capiemus. Teste Meipso apud Westm. 20°. Die Martii Anno Regni nostri 10°.

Clerici per Cancellar. imprisonati, per Brevia Regis non deliberandi.

Nos autem Tenorem Brevis nostri prædicti ad Requisitionem Cancellarii et Scholarium Universitatis prædictæ Tenore præsentium duximus exemplificandum. In Cujus Rei Testimonium has Literas nostras fieri fecimus Patentes. Teste Meipso apud Westmonasterium 28°. Die Februarii Anno Regni nostri Angliæ 18°. Regni vero nostri Franciæ 5to.

Hactenus Chartæ Rich. 2di.
An. Reg. sui 2do.

From Hare, vol. 1. *f.* 171.

Charta Rich. 2di. *Anno Regni sui* 5to.

De Assisâ Panis, Vini, et Cervisiæ, et Correctione Mensurarum et Ponderum.

RICHARDUS Dei Gratiâ Rex Angliæ et Franciæ et Dominus Hiberniæ, Archiepiscopis, Episcopis, Abbatibus, Prioribus, Ducibus, Comitibus, Baronibus, Justiciariis, Vicecomitibus, Præpositis, Ballivis, Ministris et aliis Fidelibus suis Salutem. Ad Regni cujuslibet justum Regimen, nominis Exaltationem et Honorem ac stabile Fulcimentum, Studium et Exercitium Artium liberalium inibi existunt summè necessaria et quamplurimùm opportuna; Quodlibet namq. Regnum ubi hujusmodi vigent Studium et Exercitium rectiùs regitur in prosperis, et salubriùs dirigitur in dubiis et adversis: Et ubi excrescit abundantiùs Copia Clericorum, ibi, juxta Antiquorum Assertiones, (quas veras reputamus) constat venerabilem Militiæ Ordinem vigere. Sanè nos ad præmissa sollicitam debitamq. Considerationem impendentes, volentesq. pro Incremento et Perfectione hujusmodi Studii in venerabili Universitate nostrâ Cantebrigiæ, ex quâ Viri magnæ Literaturæ et Scientiæ laudabiles et conspicui ad Regni nostri tàm Commodum quàm Honorem sæpiùs processerunt, et favente Domino procedent in eventu; Et ut Magistri et Scholares ejusdem Universitatis, sedatis Litibus et Debatis, quæ inter ipsos et Laicos dictæ Villæ ex Caristiâ Victualium et Abusu Mensurarum et Ponderum ac aliis viis et Modis quampluribus fuerant diversimodè suscitatæ, Studiis et Exercitio liberalium Artium prædictarum successivis Temporibus se gaudeant eò vigilantiùs dedicare, quo se Successoresq. suos fore noverint per nos Libertatibus et Privilegiis communitos, de regali Munificentiâ providere, de Assensu Prælatorum, Procerum, et Magnatum Regni nostri Angliæ in præsenti

Parliamento existentium, Ordinavimus et concedimus pro nobis et Hæredibus nostris, et hac Chartâ nostra confirmamus, quod Cancellarius Universitatis Cantebrigiæ et Successores sui et eorum Vicesgerentes soli et in Solidum in perpetuum in Villâ Cantebrigiæ et Suburbiis ejusdem habeant Custodiam Assisæ Panis, Vini et Cervisiæ, ac Correctionem et Punitionem ejusdem cum Finibus, Amerciamentis, et Proficuis aliis inde provenientibus: Ac Etiam Custodiam Assisæ et Assaiæ, ac Supervisum Mensurarum et Ponderum in dictâ Villâ Cantebrigiæ et Suburbiis ejusdem: Ita quod quiscunq. Cancellarius dictæ Universitatis qui pro Tempore fuerit ibidem vel ejus Vices gerens, quotiès opus fuerit, dicta Mensuras et Pondera supervideat, et ea quæ falsa invenerit comburi et destrui faciat, et alia legalia et justa deputet et consignari faciat; nec non Transgressores, quos in hac Parte invenerit debitè puniat et castiget. Et quod prædicti Cancellarius et Successores sui vel eorum Vices gerentes in perpetuum soli et in solidum habeant potestatem inquirendi et cognoscendi de Forstallatoribus et Regratariis, et de Carnibus et Piscibus tam putridis, vitiosis, et aliàs incompetentibus in dictâ Villâ Cantebrigiæ et Suburbiis ejusdem quàm aliis, et super his Punitionem debitam faciendi, ac Gubernationem, Correctionem et Punitionem præmissorum, et aliorum Victualium quorumcunq. simul cum omnibus Finibus, Forisfacturis, Amerciamentis et aliis Proficuis inde provenientibus, Reddendo nobis et Hæredibus nostris annuatim Decem Libras ad Saccarium nostrum ad Terminos Paschæ et Sancti Michaelis per equales Portiones in perpetuum. Ita quòd præfatus Cancellarius dictiq. Successores sui, et eorum Vices gerentes Assisam, Assaiam, Supervisum, Correctionem, Punitionem, Castigationem, Potestatem, ac Gubernationem prædictos adeo liberè et plenariè habeant, et eodem modo et ubiq. faciant et exerceant in perpetuum, prout Major, Ballivi, Aldermanni et Burgenses villæ prædictæ hujusmodi Assisam, Assaiam, Supervisum, Correctionem, Punitionem, Castigationem, Potestatem et Guberna-

Assisa Panis, Vini, et Cervisiæ cum Amerciamentis.

Supervisus Mensurarum et Ponderum.

Falsa Pondera et Mensuræ comburenda.

De Forstallatoribus et Regratariis.

De Carnibus et Piscibus vitiosis, cæterisq. Victualibus.

Decem Libræ Regi annuatim solvendæ.

tionem ante hæc Tempora meliùs et liberiùs facere et exercere consueverunt. Quare volumus et firmitèr præcipimus pro nobis et Hæredibus nostris, quòd præfati Cancellarius et Successores sui ac eorum Vices gerentes soli et in Solidum, in Villâ prædictâ et Suburbiis ejusdem, habeant, faciant, et exerceant hujusmodi Assisam, Assaiam, Supervisum, Correctionem, Punitionem, Castigationem, Potestatem et Gubernationem simul cum Finibus, Forisfacturis, Amerciamentis, et aliis proficuis prædictis, reddendo nobis et Hæredibus nostris decem Libras ad Saccarium nostrum ad Terminos prædictos per æquales Portiones in perpetuum, sicut prædictum est. Et Licet Major, Ballivi, et Aldermanni seu alii Homines dictæ Villæ et Suburbiorum ejusdem de præmissis seu aliquo præmissorum de cætero se non debeant intromittere, Volumus tamen et mandamus, quod in præmissis omnibus et singulis faciendis Cancellario dictæ Universitatis qui pro Tempore fuerit, vel ejus vices gerenti vel Commissario auxilientur, pareant humilitèr, et intendant, prout decet. His Testibus, &c. Datum per Manum nostram apud Westm. 17°. Die Feb. Anno Regni nostri 5to.

Quod Major et Ballivi intendant Cancellario super hac Re.

From Hare, vol. 1. *f.* 210.

Literæ Patentes Rich. 2^di^. *An. Reg.* 6to.

De falsis Mensuris et Ponderibus in Nundinis de Sterebrigge.

Rex Cancellario Universitatis Cantebrigiæ vel ejus Vices gerenti Salutem. Cum per Chartam nostram inter alias Libertates vobis concessas, concesserimus, quòd Cancellarius Universitatis prædictæ, et Successores sui, ac eorum Vicesgerentes soli et in Solidum in perpetuum habeant Custodiam Assisæ et Assaiæ ac supervisum Mensurarum et Ponderum in Villa Cantebrigiæ et Suburbiis ejusdem, ac eodem modo ubiq. et adeo liberè et plenariè prout Major et Ballivi, Aldermanni et Burgenses Villæ prædictæ hujusmodi

Assisam, Assaiam, et Supervisum habere consueverunt, Ita quòd quiscunq. Cancellarius ibidèm pro Tempore existens vel ejus Vices gerens quoties Opus fuerit dicta Mensuras et Pondera supervideat et quæ falsa invenerit comburi et destrui faciat, et alia legalia et justa deputet et consignari faciat; necnon Transgressores, quos in hac Parte invenerit, debitè puniat et Castiget, prout in eadem Chartâ pleniùs continetur. Jamq. ad nostrum pervenerit Intellectum, quòd quamplurima falsa Mensuræ et Pondera sæpiùs ante hæc Tempora in Villâ et Suburbiis prædictis, et maximè Tempore cujusdam Feriæ apud Steresbrigge in Suburbio Villæ prædictæ tentæ annuatim frequentari et usitari solebant in Deceptionem Populi nostri ad Villam et Feriam confluentis; Nos pro Bono publico et pro Hujusmodi Deceptione ibidèm de cætero penitùs adnullandâ volentes, Remedio quo convenit, providere; vobis districtè injungimus et mandamus, quod Mensuras et Pondera in Villâ et Suburbiis prædictis, et maximè Tempore Feriæ prædictæ, frequentata, eodem Modo et ubiq. prout Major, Ballivi, Aldermanni et Burgenses prædicti ante hæc Tempora consueverunt, de Tempore in Tempus supervideatis, et ea quæ falsa inveneritis comburi et destrui, et alia legalia et justa deputari et consignari, necnon Transgressores in hac Parte debite castigari et puniri faciatis juxta Tenorem Chartæ nostræ supradictæ; Talitèr in Executione præsentium vos habentes, ne de vestris Tepeditate, Negligentia, aut Defectu in præmissis ad nos perveniente Querelâ, de tali nos oporteat Remedio providere, per quod Amissionem dictarum Libertatum incurrere non immeritò debeatis. Teste meipso apud Westm. 3^tio^. Die Septem^b^. Anno Regni nostri 6to.

From Hare, vol. 1, f. 217.

Charta Rich. 2^di^. *Anno. Regni sui* 7mo.

De Cognitione Placitorum.

RICHARDUS Dei Gratia Rex Angliæ et Franciæ et Dominus Hiberniæ, Archiepiscopis, Episcopis, Abbatibus, Prioribus, Ducibus, Comitibus, Baronibus, Justiciariis, Vicecomitibus, Præpositis, Ministris, et omnibus Balivis et Fidelibus suis Salutem. Sciatis, quod cum Cancellarius Universitatis Cantebrigiæ pro Tempore existens Virtute Privilegiorum Universitati prædictæ per Chartas Progenitorum nostrorum quondam Regum Angliæ (quas confirmavimus) concessorum, habuerit et habere debeat Cognitionem omnium Placitorum personalium, Contractuum, Injuriarum, et Transgressionum quorumcunq. infra Villam Cantebrigiæ et Suburbia ejusdem factorum (Feloniâ et Mahemio exceptis) ubi Magister, Scholaris, vel Serviens Scholaris, aut Minister Universitatis prædictæ unus Partium fuerit, quos Cancellarius dictæ Universitatis, seu ejus Locum tenens pro talibus vendicare voluerit. Idemq. Cancellarius inquirere consueverit de hujusmodi Transgressionibus tam ex Officio quam ad Sectam Partis per Scholares et Laicos ejusdem Villæ, ac per alios; et omnia hujusmodi Placita coram dicto Cancellario seu ejus Locum tenente secundum Consuetudines suas terminare; et Transgressores contra Pacem reos inventos per Incarcerationem vel alio Modo rationabili debitè castigare; Jamq. Cancellarius et Scholares Universitatis prædictæ nobis cum jugi Instantiâ per Petitionem suam supplicaverunt; ut, cum iidem Cancellarius et Prædecessores sui in præmissis a Tempore Confectionis Chartarum et Confirmationis nostræ prædictarum inconcussè usi fuerunt et gavisi, quousq. quidam Justiciarii nostri Privilegia prædicta jam

Cancellario allocare distulerint, eo quod Verba Privilegiorum prædictorum generalia sunt, ut asserunt, et minùs sufficientèr expressata, velimus pro Salvatione Privilegiorum suorum prædictorum et Quiete Universitatis prædictæ et pro Ambiguitate de cætero in hac Parte tollendâ, eis inde opportuni Favoris Remedium providere gratiosè. Nos ob Desiderium quod ad Incrementum Clerimoniæ in Regno nostro Angliæ vehementèr gerimus et habemus, et ad finalem Effectum, quod Scholares Universitatis prædictæ Studio et Disciplinæ ibidèm vacare valeant quietiùs in futurum, Supplicationi prædictæ libentiùs annuentes, Volumus, et concedimus ac præsenti Chartâ nostrâ confirmamus pro nobis et Hæredibus nostris, quòd Cancellarius dictæ Universitatis ejusq. Successores et eorum Loca tenentes coram seipsis in perpetuum habeant Cognitionem omnimodorum Placitorum personalium tam Debitorum, Computorum, et quorumcunq. aliorum Contractuum et Injuriarum, quam Transgressionum contra Pacem, et Misprisionum quarumcunq. infra Villam et Suburbia prædicta factorum (mahemio et Feloniâ duntaxàt exceptis) ubi Magister, vel Scholaris, seu Serviens Scholaris aut communis Minister dictæ Universitatis unus Partium fuerit; et teneant ubicunq. eis infra Villam prædictam et Suburbia ejusdem placuerit, et inde Executionem secundum Leges et Consuetudines suas faciant; et de Hujusmodi Transgressionibus tam ex Officio quam ad Sectam Partis in Forma prædicta inquirant. Et Quod tam Justiciarii ad Placita coram nobis et Hæredibus nostris tenenda assignati et assignandi, et Justiciarii nostri et Hæredum nostrorum de Banco, qûam alii Judices quicunq. in Præsentiâ et absentiâ nostrâ, et Hæredum nostrorum, dicto Cancellario, et ejus Successoribus eorumq. Loca tenentibus de omnibus Placitis prædictis Allocationem faciant absq. Difficultate vel Impedimento aliquali. Et Quod nullus Justiciarius seu Iudex, in Præsentiâ vel Absentiâ nostrâ vel Hæredum nostrorum, Vicecomes, Major, Ballivus, seu alius Minister de Placitis illis seu aliquo eorundem se intro-

Cognitio Placitorum personalium coram Cancellario et ejus Locum tenenti habenda.

Executio juxta Leges et Consuetudines suas.

mittat, nec Partem ad respondendum coram ipsis inde ponat; sed quod Pars illa coram præfato Cancellario et Successoribus suis seu eorum Loca tenentibus inde solummodò justificetur et puniatur in Formâ prædictâ, nisi Cancellarius prædictus vel ejus Locum tenens ad Justiciam in Casibus prædictis faciendam congruè requisitus in Exhibitione Justitiæ defuerit. Et Quod idem Cancellarius, Successores sui, et eorum Loca tenentes in perpetuum executionem de Universis Personis, coram seipsis de hujusmodi Transgressionibus convictis, et aliis Manutentoribus fieri; et Transgressores infra Castrum Cantebrigiæ, et alibi in Villâ prædictâ juxta Discretionem suam Imprisonari faciat. Et Quod Vicecomes Cantebrigiæ seu Custos Castri prædicti, aut Major et Ballivi Villæ prædictæ pro Tempore existentes hujusmodi Transgressores ad Ordinationem et Mandatum præfati Cancellarii et Successorum suorum ac eorum Locatenentium recipere, Custodire, et deliberare teneantur. His Testibus, &c.

Nisi Cancellarius in Exhibitione Justitiæ defuerit.

Transgressores infra Castrum Cantebrig. et alibi imprisonandæ.

Datum per Manum nostram apud Westm. 10° Die Decem^b. Anno Regni nostri 7°.

From Hare, vol. 1, *f.* 219.

Literæ Rich. 2^di^. *Anno Regni sui* 8vo.

Rex omnibus ad quos præsentes Literæ pervenerint Salutem. Cum nos nuper in Parliamento nostro tento apud Westm. in Crast^no^. Animarum An. Reg. nostri 5to. de Assensu Prælatorum, Procerum et Magnatum Regni nostri Angliæ nobis in eodem Parliamento assistentium, ordinavimus et concessimus pro nobis et Hæredibus nostris et per Chartam nostram confirmavimus, quod Cancellarius Universitatis Cantebrigiæ et Successores sui et eorum Vices gerentes soli et in Solidum in perpetuum in Villa Cantebrigiæ et Suburbiis ejusdem habeant Custodiam Assisæ Panis, Vini et Cervisiæ, ac Correctionem et Punitionem ejusdem cum

De Deliberatione Busselli, et Summonitione Hominum de Villâ.

Finibus, Amerciamentis, et Proficuis aliis indè provenientibus: Ac etiam Custodiam Assisæ et Assajæ ac Supervisum Mensurarum et Ponderum in dictâ Villâ Cantebrigiæ et Suburbiis ejusdem; ita quod quiscunq. Cancellarius dictæ Universitatis, qui pro Tempore fuerit ibidèm, vel ejus Vices gerens, quoties opus fuerit, dicta Mensuras et Pondera supervideat, et ea quæ falsa invenerit comburi et destrui faciat, et alia legalia et justa deputet et consignari faciat, necnon Transgressores quos in hac Parte invenerit debitè puniat et Castiget. Et Quod prædicti Cancellarius et Successores sui et eorum Vices gerentes in perpetuum habeant soli et in Solidum Gubernationem Correctionem et Punitionem Præmissorum, simul cum omnibus Finibus, Forisfacturis, Amerciamentis et aliis Proficuis inde provenientibus, prout in Chartâ nostrâ prædictâ pleniùs Continetur. Ac Jam intelleximus, quod quædam Lites et Discordiæ inter Cancellarium et Scholares Universitatis prædictæ, ac Majorem et Communitatem ejusdem Villæ super Deputatione et Deliberatione quarundam Mensurarum videlicet Busselli Dimidium-Busselli et Peck ac quorundam Proficuorum inde provenientium, viz. 4 Denariorum de Bussello, et de Dimidio Busselli et Peck secundum ratam, pro eo quod Mensuræ et Proficua prædicta in dictâ Chartâ nostrâ clare non expressantur, jam novitèr sunt exortæ. Et quia Lites et Discordias hujusmodi, prout regiæ convenit Excellentiæ, pacificare volumus et sedare, ac Causam et Materiam earundem penitùs resecare, Pacemq. et Tranquillitatem inter Partes prædictas in quanto possumus confovere; De Avisamento Prælatorum, Procerum, et Magnatum nobis in præsenti Parliamento nostro assistentium, Intentionem nostram in hac Parte Tenore præsentium ex certâ Scientiâ nostrâ sic duximus declarandam, viz. quòd Deputatio et Deliberatio Busselli, Dimidium-Busselli, et Peck tam in Feriis et Mercatis, quam in Portu et omnibus aliis Locis infra Villam prædictam et Suburbia ejusdem, ac etiam quatuor Denariorum de Bussello hujusmodi et de Dimidio Bussello et Peckâ se-

Quod Deputatio et Deliberatio Busselli, &c. ad Cancellar. pertinet.

cundum ratam percepti, et percipiendi, qui quidem quatuor Denarii per ipsum Majorem per Nomen Custumiæ sive Præstationis indebitè vendicantur, nec non omnia alia Proficua de Mensuris illis provenientia ad ipsum Cancellarium et Successores suos Vigore et Virtute Chartæ et Concessionis nostrarum prædictarum a Tempore Confectionis earundem pertinent et pertinere debent; quodq. Major et Communitas dictæ Villæ nullum jus sive Titulum ad Mensuras hujusmodi ibidèm a Tempore Concessionis nostræ prædictæ deputandas aut deliberandas, seu dictos quatuor Denarios de Bussello et de Dimidio Bussello et Peckâ secundum ratam a Tempore prædicto percipiendos ullatenùs habuerunt. Et Insuper, cum per dictam Chartam nostram concesserimus quod prædicti Cancellarius et Sucsessores sui vel eorum Vices gerentes in perpetuum soli et in solidum habeant Potestatem inquirendi et cognoscendi de Forstallatoribus et Regratariis, et tam de Carnibus et Piscibus putridis, vitiosis et alias incompetentibus, quam aliis, et in dictâ Chartâ nostrâ expressa non fit Mentio per quem Processum dictus Cancellarius et Successores sui vel eorum Vices gerentes Homines dictæ Villæ coram se ad Inquisitiones faciendas et Defectus in hac Parte præsentandos venire facere possint; Nos de Avisamento prædicto Tenore præsentium duximus similitèr declarandum, quòd Cancellarius sive Præsidens dictæ Universitatis pro Tempore existens, vel eorum Vices gerentes summonere possint per Ministros suos proprios Homines dictæ Villæ Cantebrigiæ et Suburbiorum ejusdem per quos Rei Veritas melius sciri poterit, ad veniendum et comparendum coram eis, et ad præsentandum per eorum Sacramentum tam de Forstallatoribus et Regratariis, ac Carnibus et Piscibus putridis, vitiosis et alias incompetentibus, quam de aliis Victualibus; et eos, qui coram ipsis per Summonitionem hujusmodi venire recusaverint, punire per Amerciamenta per Ministros suos prædictos levanda, vel sicut Cancellarius et Scholares Universitatis Oxon hactenùs fecerunt et *faciunt in præsenti. In Cujus Rei Testimonium has

Quod Cancellarius possit summonere homines de Villâ ad præsentand.

Summoniti, si non compareant, puniendi.

*i. e. per Incarcerationem.

Literas nostras fieri fecimus patentes, Teste meipso apud Westm. 10° Die Oct. Anno Regni nostri 8vo.

From Hare, vol. 1. *f.* 224.

Literæ Rich. 2^di. *An. Regni sui* 9°.

De Candelis et Focalibus.

Rex omnibus ad quos præsentes Literæ pervenerint Salutem. Sciatis quod cum nos nuper de Assensu Prælatorum, Procerum et Magnatum Regni nostri Angliæ in Parliamento nostro tunc assistentium inter cætera ordinavimus et concesserimus pro nobis et Hæredibus nostris, et per Chartam nostram confirmaverimus; quod Cancellarius Universitatis Cantebrigiæ et successores sui et eorum Vices gerentes in perpetuum soli et in solidum habeant Potestatem inquirendi et cognoscendi de Forstallatoribus et Regratariis, et de Carnibus et piscibus tam putridis vitiosis et alias incompetentibus in dictâ Villâ Cantebrigiæ et Suburbiis ejusdem, quàm aliis, et super his Punitionem debitam faciendi; ac Gubernationem, Correctionem et Punitionem præmissorum et aliorum Victualium quorumcunq. simul cum omnibus Finibus, Forisfacturis, Amerciamentis et aliis Proficuis inde provenientibus, prout in eadem Chartâ pleniùs continetur. Ac Jam intellexerimus quod Candelarii et Hostelarii Candelas et Focalia in Villa et Suburbiis prædictis vendentes, pro eo quod hujusmodi Candelæ et Focalia in Charta nostra prædicta per Verba specialia minimè exprimuntur, per dictum Cancellarium et ejus Vices gerentem tanquam Vitellarii justiciari et puniri non intendunt, sed Correctioni et Punitioni ipsius Cancellarii et ejus Vicem gerentis in hac Parte, quæsito hujusmodi Colore ficto, resistere nituntur in quanto possunt. Nos, pro Quiete et Tranquillitate Universitatis prædictæ juxta sanam Intentionem Concessionis nostræ prædictæ volentes providere, ac omnem Ambiguitatem in hac Parte tollere penitùs et auferre; ad Instantiam Cancellarii et Universitatis prædictæ de Avisamento et Consensu

Candelæ et Focalia pro Victualibus habendæ.

Consilii nostri volumus et concedimus ac apertiùs declaramus pro nobis et Hæredibus nostris, quod Candelæ et Focalia hujusmodi sub Nomine et Vocabulo Victualium debeant de cætero comprehendi, et Victualia plenarie reputari; et quod Candelarii et Hostelarii in Villa et Suburbiis prædictis ea vendentes pro suis Excessibus Delictis et aliis Defectibus quibuscunq. in ea Parte factis seu faciendis, per præfatum Cancellarium et ejus Successores ac eorum Vices gerentes corrigantur et debitè puniantur et vitellarii de cætero reputentur. Et hoc omnibus quorum interest pro nobis et Hæredibus nostris innotescimus per præsentes. In Cujus Rei Testimonium has Literas nostras fieri fecimus patentes. Teste meipso Apud Westm. 7°. Die Aprilis An. Reg. nostri 9°.

From Hare, vol. 1. *f.* 228.

Literæ Henrici sexti An. Regni sui 37°.

De Nocumentis corrigendis, et Meretricibus per 4 Milliaria banniendis.

Rex omnibus ad quos præsentes Literæ pervenerint Salutem. Sciatis quod cum in Parliamento Domini Richardi nuper Regis Angliæ secundi post Conquestum tento apud Cantebrigiam inter cætera Statutum et ordinatum fuerit, eò quòd tanta Fimi, et alia sordida de Exitibus et Intestinis tam Bestiarum occisarum, quam aliarum Corruptionum in Fossis, Rivis, et aliis Aquis, ac etiam in pluribus aliis Locis infra, circa, et prope Civitates, Burgos, et Villas Regni Angliæ, et Suburbia eorundem posita et projecta extiterunt, quòd ex Corruptione et Infectione Aeris ibidèm quamplurimæ Infirmitates et alia Nocumenta intolerabilia, tam inhabitantibus in dictis Civitatibus, Burgis, Villis et Suburbiis, quam aliis illuc advenientibus in Dies evenerunt, ad grave Nocumentum, Damnum et Periculum inhabitantium, conversantium et Transcuntium prædictorum, Quod Proclamatio fieret tam in Civitate London, quam aliis Civitatibus, Burgis et

Villis per dictum Regnum, tam infra Libertates quam extra, ubi indiguerit, quod omnes illi qui hujusmodi Nocumenta, Fimos, Exitus, Intestina, et alia sordida in Fossis, Rivis, Aquis et aliis Locis supradictis projecerunt, seu posuerunt, ea post Finem dicti Parliamenti ante Festum Sancti Michaelis tunc proximè sequentis totalitèr amoveri, deleri, et asportari facerent indilatè, quilibet videlicet sub Pæna viginti Librarum nobis solvendarum, Et Quod Majores et Ballivi omnium hujusmodi Civitatum, Burgorum et Villarum, ac etiam Ballivi Libertatum, ipsos sub consimili Pænâ hoc facere coarctarent: Et si aliquis se sentiret gravatum, quòd hoc Modo prædicto non proficeretur, et inde post Festum Sancti Michaelis Cancellario Angliæ conqueri vellet, haberet Breve de venire facias in Cancellariam ipsum, de quo sic conqueri vellet, ad ostendendum, quarè de eo dicta Pæna levari non deberet, et si ipsum inde debitè excusare non posset, tunc eadem Pæna de ipso levaretur: Et Insuper, quod Proclamatio tam in dictâ Civitate London, quam in aliis Civitatibus, Burgis et Villis, ut prædictum est, fieret, quod nullus cujuscunq. Conditionis foret ex tunc hujusmodi Nocumenta, Exitus, Fimos, Intestina, aut sordida in Fossis, Rivis, Aquis, aut aliis Locis supradictis poni aut projici faceret; et si quis hujusmodi faceret, per Breve coram Cancellario ad Sectam illius, qui se inde conqueri vellet, vocaretur, et si inde culpabilis inventus foret, secundum Discretionem Cancellarii prædicti puniretur; prout in Statuto et Ordinatione prædictis plenius continetur. Jamq. intellexerimus quod licet quamplures in Villa nostra Cantebrigiæ et Suburbiis ejusdem commorantes et inhabitantes, Fimum, Terram corruptam, Aquam fætidam, Exitus et Intestina Bestiarum occisarum, Cadavera et alia sordida quamplurima in Viis, Stratis, Fossis, Rivis, Aquis, et aliis Locis infra eandem Villam et Suburbia ejusdem contra Formam Statuti et Ordinationis prædictorum posuerunt et projecerunt, ac in Dies ponere ac projicere non desistunt, in nostri Contemptum et Prejudicium, ac Hominum in dicta

Villa inhabitantium, conversantium et transeuntium, ac illuc advenientium Nocumentum ac Damnum non modicum, ac Gravamen intolerabile, dicta tamen Statutum et Ordinatio tum propter Timorem, tum propter Favorem delinquentium hujusmodi, tum propter multas variasq. et diversas Dilationes Processûs, et Gravitatem Pœnæ eorundem Statuti et Ordinationis, debitè executa minimè existunt. Nos Consideratione præmissorum, ac ob speciales Amorem et Favorem, quos ad Universitatem nostram prædictæ Villæ Cantebrigiæ gerimus et habemus, ac ad Instantiam et Supplicationem speciales dilecti nobis in Christo Magistri Roberti Woodlarke, Præpositi Collegii nostri regalis B. Mariæ et Si Nicholai de Cantebrigiâ, nunc Cancellarii ejusdem Universitatis nostræ, tamq. ad Incrementum Virtutum ibidèm, quam ad Evitationem hujusmodi Nocumentorum, Infectiones Aeris causantium, maximas Infirmitates in Dies ibi generantium; Concessimus et confirmavimus pro nobis et Hæredibus nostris (quantum in nobis est) præfato Cancellario Universitatis nostræ prædictæ, ac Doctoribus, Magistris, et Scholaribus ejusdem Universitatis et Successoribus suis, quod Cancellarius Universitatis prædictæ, pro Tempore existens quicunq. et Successores sui Cancellarii ibidèm in perpetuum habeant Authoritatem et Potestatem ad inquirendum, et perscrutandum, examinandum seu probandum singulis Annis, perpetuis futuris Temporibus, quotiens Opus fuerit et necesse, per Sacramentum proborum et legalium Hominum de dicta Villâ et Comitatu Cantebrigiæ, per quos seu per quem hujusmodi Nocumenta Fimi, Terræ Corruptæ, Aquæ fetidæ, Exituum, Intestinorum, Cadaverum, et aliorum Sordidorum prædictorum in Viis, Stratis, Fossis, Rivis, Aquis et aliis Locis infra Jurisdictionem ejusdem Cancellarii, contra Formam Statuti et Ordinationis prædictæ posita et projecta extiterunt, et qui hujusmodi Nocumenta sic ponere et projicere non desistunt. Necnon de omnibus Obstructuris et Suffocationibus Gutturarum, Cursuum Viarum aquaticarum, et Sewerarum infra eandem Jurisdictionem factis et fiendis,

Quod Cancellarius de Nocumentis inquirat.

Et ad amerciandum omnes et singulos, quos per debitam Inquisitionem, Scrutinium Examinationem vel aliam Probationem seu publicam Evidentiam poterint reperiri inde culpabiles, Et ad ponendum omnes et singulos hujusmodi delinquentes totiens quotiens ad Pœnas pecuniarias seu Prisonæ nostræ ibidem committendum et puniendum quousq. hujusmodi Nocumenta emandeverint, amoverint et asportari fecerint secundum Discretionem dicti Cancellarii pro Tempore ibidem existentis, prout singulis hujusmodi delinquentium per eundem Cancellarium injunctum fuerit. Concessimus etiam et confirmavimus præfatis Cancellario, Doctoribus, Magistris et Scholaribus nostræ Universitatis prædictæ et Successoribus suis quod idem Cancellarius ejusdem Universitatis pro Tempore existens, et Successores sui Cancellarii ibidèm in perpetuum habeant et percipiant sibi et Successoribus suis omnia et omnimoda Amerciamenta et Pœnas pecuniarias pro præmissis facta et fienda, necnon forisfacta et forisfacienda, si quæ fuerint, absq. aliquo Computo, seu aliquo alio inde nobis vel Hæredibus nostris reddendo, solvendo, vel faciendo. Et Insupèr licet Cancellarius Universitatis prædictæ pro Tempore existens habeat ex Concessione inclitorum Progenitorum nostrorum, quondam Regum Angliæ Authoritatem et Potestatem banniendi omnes criminosas et viciosas Personas, obstinaces, rebelles, et incorrigibiles a dicta Universitate et Procinctu ejusdem, Personæ tamèn sic bannitæ ad Villas et Villatas prope dictam Universittatem se retrahunt ibi commorantes, ad hujusmodi Crimina et vitiosam Conversationem detestabilitèr magis ibidèm quam in Universitate prædicta ducend et exercend. Nos igitùr de uberiori Gratiâ nostrâ concessimus et confirmavimus præfatis Cancellario, Doctoribus, Magistris, et Scholaribus ejusdem Universitatis nostræ et Successoribus suis, quod idem Cancellarius pro Tempore existens et Successores sui Cancellarii ibidèm in perpetuum habeant Potestatem et Authoritatem banniendi a dicta Universitate per 4 milliaria circumjacentia omnes Pronubas, Meretrices, et Mulieres

Et delinquentes mulctet ve per Pri-onam vel per Pœnas pecuniarias.

Et Amerciamenta sibi habeat sine Computo.

incontinentes infra eandem Universitatem aut Procinctum ejusdem notabilitèr delinquentes; ita quod nulla hujusmodi Mulier sic bannitâ infra 4 milliaria circa dictam Universitatem Cantebrigiæ commorari præsumat. Et si aliqua earum infra 4 milliaria circa Cantebrigiam commoretur, quòd Dominus Loci sive Habitationis alicujus hujusmodi mulieris bannitæ, aut ipsius Domini Deputatus, Super Præmonitione hujusmodi Bannitionis per Cancellarium dictæ Universitatis pro Tempore existentem sibi factâ, dictam bannitam imprisonet, et post hujusmodi Imprisonamentum eam a Dominio illo expellat, et amoveat, dicto Statuto aut quibuscunq. aliis Statutis et Ordinationibus non obstantibus. In Cujus Rei Testimonium has Literas nostras fieri fecimus patentes. Teste Meipso apud Westm. 12° Die Ap. An. Reg. nostri 37°. Per ipsum Regem et de data prædictâ Authoritate Parliamenti.

Mulier bannita, infra 4 milliaria commorans, per Dominum Loci imprisonanda, et ejicienda.

From Hare, vol. 2. f. 145.

AN

ABSTRACT OF THE AWARD

BETWEEN THE

UNIVERSITY & TOWN,

Made An. 1502, *by John Fisher, Justice of the Common Pleas, Humphry Coningesby & Tho. Frowyche, Serjants at Law, chosen by Consent of Partys for that Purpose, at the Instance of Margaret Countess of Richmond & Derby, & Mother to King Hen.* 7th.

Art. 1. THAT no Person taken to be a Pensioner or Contributor in any College or Hall, who was never brought up in Study nor Learning in the University, shall have the Privilege of Scholar. — Privileged Persons.

2. That every menial Servant dwelling & reteyned with any Scholer in Wages, & every Person reteyned with any Scholer, or Scholer's Servant, without Fraud, Craft, or Collusion, to go or ride with him, or to do him Service for any certain Time, shall for the same Time of his Service only be reputed as the Servant of a Scholer. — Privileged Persons.

3. That all Bedells of the University, & all Manciples, Cooks, Buttlers, & Launderers of every College and Hall; also, all Apothecarys, Stationers, — Privileged Persons.

Lymners, Scriveners, Parchment Makers, Bookbinders, Physitians, Surgeons & Barbers in the said University, brought up principally in the Learning of any of the said Occupations, or at his or their first Dwelling in the Town set up in any of the said Occupations, shall have the Privilege of Scholars Servant, as long as they use any such Occupation.

Privileged Persons.

Art. 4. That of all such Scholers, Scholer's Servants, & common Ministers of the University as use Merchandize in the Town, only *those* Servants shall have the Privilege of Scholers Servants, who live with them in their House in the said Town, and not *those* also who live elsewhere.

Proof of Privilege by Certificate of the V. Chan.

5. That, if any one attached, arrested, or distrained by the Mayor or any other Officer of the Town, within seven Daies bring a Certificate under the Hand of the Chancellor or Vicechancellor that he is a Scholer, he shall be discharg'd immediately.

By Oath of the Party.

6. That, if any Person attached, arrested, or distrained by the Mayor or any other Officer of the Town, will publickly make solemn Oath, that at the Time of such Attachment he was a Scholar's Servant, common Minister of the University, Servant of such common Minister, or Servant of a Scholer's Servant, he shall be discharged immediately without Fees.

Privileged Person, if required, must prove his Privilege in 3 Daies.

7. That, if any Burgess or Dweller in the Town, arrested or distrained before the Commissary or other Officer of the University, alledge, that the Party at whose Suit he is so arrested or distrained, is not a Scholer, Scholer's Servant, common Minister of the University, nor any of their Servants; then Proof shall be made to the contrary within 3 Daies, according to Art^{s} 5 & 6; & on Failure thereof the Party so arrested or distrained shall be discharged immediately without fees.

Art. 8. That if any privileged Person, attached, arrested, or distrained by the Mayor or any Officer of the Town, & discharged as a privileged Person, as aforesaid, do alledge, that the Party, at whose Suit he was prosecuted, knew he was a privileged Person; then that Party shall either make publick Oath, that he did not know this, or else make the Person aggreived Satisfaction at the Discretion of the Vice-chancellor. Also, if any Burgess or Dweller in the Town, arrested or distrained before the Commissary or other Officer of the University, shall be discharged as aforesaid, Art. 7. Satisfaction shall be made him in like Manner.

Wilful Prosecution of privileged Persons before the Mayor, to be punish'd.

9. That the Mayor shall have all Pleas of Victuall between Burgess & Burgess, & between Burgess & Foreigner, where the Burgess is Plaintiff: And that the Chancellor shall have all such Pleas between Foreigner & Foreigner & between Foreigner & Burgess when the Foreigner is Plaintiff. By Victualls are here meant such only as are bought or sold to be spent in the University, or Town, or other Places, not such as are for Merchandize.

Wilful Prosecution of Burgesses before the Commissary, to be punish'd.

10. That all Pleas of Victual bought to sell by Way of Merchandize shall be before the Mayor, unless where any privileged Person is Party.

Pleas of Victual.

11. That the University shall have the Punishment & Correction of all Affrays made in the Town or University, & also the Amercements for them according to their old Charters & Grants.

Affrays.

12. That any privileged Person committing Murder or Felony shall be attached & arrested, according to the common Law of the Land, as well before his Banishment out of the University as after.

Privileged Persons committing Murders

13. That the Keepers of the Town Prisons shall keep such Prisoners, as are committed by the Chancellor in convenient & secure Places; & shall take no Fees

Keepers of Prisons, & their Fees.

of a privileged Person; & of every other Person committed by the Chancellor, they shall take for the first Day 4^{d}, for 3 Daies 8^{d}, for a Week or longer 12^{d}, & no more.

Toll, Pickage, & Stallage.

Art. 14. That neither the Mayor nor any other Officer of the Town shall take any Thing of any one for Toll, Pickage, Stallage, or other Imposition for standing in the Markett, except of Butchers, one halfpenny a Week, or 12^{d} a Year, or unless they provide a Butcher with a Stall Board 6 Foot long & 4 wide; in that Case they may each Week take one Penny of him.

Fishermen's Toll.

15. That no Fisherman who is a Foreigner shall pay the Mayor for his Standing, Pickage, & Stallage, more than 8^{d} for a Quarter of the Year or one halfpenny a Week.

Toll for Victuals on Horseback.

16. That for Oysters, Herring, Sperling, or other fresh Fish or any other Victual, that comes to Town on Horseback, only one halfpenny a Horse Load shall be paid for Pickage and Stallage.

In Carts.

17. That for every Cart Load of Oysters sold out of the Cart only one Penny be paid.

18. That for every Cart Load of Wood only one halfpenny be paid; & for every Cart Load of Coals a Penny. Wood & Coals bought by Scholars shall pay nothing.

19. That for every Horse Load of Fish, Victuals, or other Merchandize, passing thrô the Town, the Mayor shall take a Penny; & for every Cart Load 2^{d}. For Beasts, Droves of Cattle, & Flocks of Sheep, they shall take according to the Custom of the Town.

For Droves of Cattle & Flocks of Sheep.

The Taxor's Bushell.

20. That every Burgess & Dweller in the Town shall have all his Corn, Grain, Coal, & other Things measured at the Water Side by the Taxor's Bushell;

or with their own, sealed by the Taxors, for 4ᵈ only, for a whole Year.

Art. 21. That neither Proctors nor Taxors shall take of any one for setting up Baking or Brewing in the Town more than 3ˢ. 4ᵈ. And if any Baker or Brewer leave off Trade for 3 Months, & then set up again, his Fine shall be at the Discretion of the Vicechancellor, so it do not exceed 6ˢ. 8ᵈ. Baker's & Brewer's Fee to the Taxors or Proctors.

22. That the Mayor & Bailiffs shall have Presentment, Punishment, Correction, and Reformation of all common Annoyances in the Town at their Leets, to be held within 6 Weeks after Michᵉ. and Easter. But upon their Negligence at any Time, the Chancellor shall for that Time have the Punishment, Correction, & Amercements of all that make such Annoyance, & see the Correction thereof. Annoyances.

23. That all Seges made over the common Ditches of the Town shall be removed, except the common Sege of the Town, which shall by the Mayor be cleansed every third Year, so as to be as little Annoyance as possible. By Seges.

24. That the Mayor, Bailiffs, and Burgesses, shall take Care, that no Butcher kill any Beast in any Street of the Town, & that they convey away the Gutts, Paunches, Filth, & Entrails of their Beasts in such Manner, that they be no Annoyance to the University or Town. By Butchers.

25. That the Mayor, Bailiffs, & Burgesses shall have the sole Search and Correction of Leather, & the Forfeitures & Amercements of the same, paying yearly to the University 3ˢ. 4ᵈ. And that the Mayor shall swear all Persons appointed to search Leather, to make true Search, & certify their Names to the Vicechancellor, before whom they shall make like Oath. Search of Leather.

Search of Sackcloth.

Art. 26. That the University meddle not with the Search of Sackcloth.

Assesment of Taxes.

27. That all Taxes & Subsidies to the King that shall happen in the Town, except the Fee Farm of the same, shall be assessed upon Oath by 8 Burgesses & 4 privileged Persons, such as shall be contributory to the same, after the Rate of their Lands, Tenements, Goods, & Chattells. The Assesment to be made by a major Part of the Number, whereof 2, at least, to be privileged Persons.

Collection of Taxes.

The Assesments of privileged Persons to be collected by a Beadle, & paid to the Mayor.

Privileged Persons.

28. That several Persons here named shall be allowed the Privilege of Scholers, so long as they shall be so taken by the University, any of the foregoing Articles notwithstanding.

Decision of Doubts in these Articles.

29. That any Doubt or Ambiguity in these Articles shall be interpreted by the Lady Margaret Countess of Richmond & Derby, or by such Persons as she shall appoint. And after her Decease, by the Chancellor & Treasurer of England, & the Cheif Justice of the Kings Bench, & of the Common Pleas for the Time being or any three or two of them.

Decision of all future Contests for Privileges.

30. That all future Controversies that may arise between the Town & University about Privileges shall be decided as in the last Article.

From Hare, vol. 3. f. 8.

Extract from the Foundation of L. Margaret's *Lecture.*

1. LADY Margaret's Lecturer to read liberè, solenniter, et apertè such Books as the Vicechancellor & Doctors shall judge fittest, either from 7 to 8 in the Morning, or any other Hour at the Discretion of the Vicechancellor.
2. To read every accustomed Day in Term, except in Lent, & in the Long Vacation, to the 8th of Septemb. unless excused by the Vicechancellor for Infirmity or other just Cause.
3. Not to omitt his Lectures above 4 Daies in a Term, but upon just & reasonable Cause known and approved by the Vicechan. & the major Part of the Doctors in Divinity, & with Leave of the Vicechancellor.
4. Not to be absent on Pretence of such Leave above 14 Daies in a Term, & then to substitute a fit Person.
5. To be elected by the Vicechan. Doctors, & Batch^{r}. of Divinity, under Oath of chusing the most worthy. On an Equality, the Vicechancellor to have the casting Vote. To continue 2 Years only.
6. To be admonish'd 3 Times for neglect of Duty or being guilty of any Ill in the Judgment of the Vicechan. & Doctors: if he offend after the third Admonition, to be deprived.
7. To read over this Foundation once a Year, instead of a Lecture: & to lose his Lecture in a Month, if he be Vicechancellor.
8. To swear at his Admission to observe these Orders: & to have for his Salary £13. 06*s*. 08*d*. yearly of the Abbot of Westm.

Vid. Hare, vol. 3. *f.* 33.

Extract from the Foundation of L. Margaret's *Preacher.*

These Sermons are dispensed with by K. Ch. 2d's Letter, Oct. 30th. 1679.

1. LADY Margaret's Preacher to preach 6 Sermons a Year at several Places here named.
2. To be elected every three Years by the Vicechancellor & Heads. The Vicechan. upon an Equality, to have the Casting Vote.
3. To be a Dr. of Divinity, if any be fit for it, else a Batch. & perpetual Fellow of some College. Especial Regard to be had to the Fellows of Christ College.
4. To have no Benefice, and to reside in the University.
5. To be admonish'd & deprived as the Margaret Lecturer.
6. To swear, at his Admission, to observe these Orders, & to have 10lb. per An. Salary of the Abbot of Westm.

Vid. Hare, vol. 3, f. 40.

Sir Robt. Read's *Endowment of the 3 Readers of Ordinaries.*

1. THESE Readers to be chosen after the laudable Custom & Usage of the University, on the 10th of June, of different Counties, & to have each 4lb. yearly, payable by Jesus College.
2. To read the accustom'd Lectures in Humanity, Logic, & Philosophy. No Money to be paid for Ordinaries for the future.

3. These Ordinances & Statutes to be wrote on a Table, & to continue fixed up in the publick Schools for ever.
4. The University to make a Statute in three Months, to bind themselves & Successors to fulfill their Part of this Covenant.

Vid. Hare, vol. 3, *f.* 56.

Part of certain Articles of Complaint exhibited by the Tonn against the University An. 1521.

—— GEORGE Foyster, late Mayor of the Town, was excommunicated by one D^{r}. Crooke, being the Vicechancellor's Deputy; & before he could be assoyled again, was not only enjoyned by the said Doctor to hold a Taper of Wax in his Hand, & kneeling openly in the Augustine Fryers Church before the Image of our Lady, there offerred his said Candle as a Penitent; but also he was compelled & constreyn'd by the said D^{r}. Crooke & one D^{r}. Hall to make a Submission, (which before they had conceyved & devised in Writinge) commanding the said Foyster to say the same after them, the Tenor of which Submission hereafter followeth.

'For the Offence that I have committed against the Uni-
'versity, in mainteining the Jurisdiction of my Mairealty
'against the Liberties of the University, & refusing to come
'at the call of you, M^{r}. Vicechancellor, contrarie to mine
'Othe, & mine Obedience, in this behalfe, I acknowledge
'myself giltie, & desire of you Absolution,' &c. As more plainly & at large may appear in a publique Instrument thereupon made & hanged up in the common Scholes of the University, for a Note & President to all Straungers thether

comminge, in perpetuall Reproach of the Offyce of Maire-ality of the said Towne.

From Hare, vol. 3, *f.* 61.

Memorandum annex'd to the Universitys Answer to the preceding Articles.

MEM. that the 24 Day of July 1534 we mett at Lambeth before my Lord Chancellor, my Lord of Canterbury, & the Duke of Norfolk; there being present besides, my Lord Marquess of Exeter, the Dean of the Chappel, & the King's Almoner; where it was decreed by the said Lords, that Sterebrige Fayr was in the Suburbs of Cambridge, & that the Vicechancellor, or his Commissary, might keep Court civil there for Pleas, where a Scholer, or a privileged Person was one Party.

Item, that in the same Fayr the University had the Oversight, Correction, & Punishment, of all Weights & Measures, of all Manner of Victuall, & of all Regraters & Forestallers.

Item, it was determined, that Spices be Victuall.

From Hare, vol. 3, *f.* 65.

Literæ Henrici 8^vi^. *de Stationariis.*

Henricus Dei Gratiâ Angliæ et Franciæ Rex, Fidei Defensor et Dominus Hiberniæ, Omnibus ad quos præsentes Litteræ pervenerint Salutem. Sciatis quod nos de Gratiâ nostra speciali, ac ex certa Scientia et mero Motu nostris concessimus et Licentiam dedimus ac per præsentes concedimus et Licentiam damus pro nobis et Hæredibus nostris dilectis nobis in Christo Cancellario Magistris et Scholaribus Universitatis nostræ Cantebrigiæ, Quod ipsi et Successores sui in perpetuum per eorum Scripta sub Sigillo Cancellarii dictæ Universitatis sigillata de Tempore in Tempus assignent, eligant, et pro perpetuo habeant inter se et infra Universitatem nostram prædictam perpetuo manentes et inhabitantes tres Stationarios et Librorum Impressores seu Venditores tam alienigenos, et natos extra Obedientiam nostram, quam Indigenos nostros et natos infra Obedientiam nostram, tam conductas quam proprias Domus habentes et tenentes. Qui quidem Stationarii sive Impressores Librorum in Forma prædictâ assignati, et eorum quilibet omnimodos Libros per dictum Cancellarium vel ejus Vices gerentem et tres Doctores ibidèm approbatos seu in Posterum approbandos ibidem imprimere, et tam Libros illos, quàm alios Libros ubicunq. tam extra quam infra Regnum nostrum impressos sic ut prædicitur per prædictum Cancellarium seu ejus Vices gerentem et tres Doctores ibidèm approbatos seu approbandos tam in eadem Universitate quam alibi infra Regnum nostrum ubicunq. placuerint Venditioni exponere licitè valeant seu valeat et impunè. Et quod iidem Stationarii sive Impressores etiam extra Obedientiam nostram oriundi, ut prædicitur, et eorum quilibet quamdiù infra Universitatem prædictam Moram traxerint, et Negotio prædicto intendant, in

omnibus et per omnia tanquam fideles Subditi et Legei nostri reputentur, habeantur et pertractentur, et quilibet eorum reputetur, habeatur, et pertractetur; ac omnibus et singulis Libertatibus, Consuetudinibus, Legibus et Privilegiis gaudere, et uti valeant, et quilibet eorum valeat liberè et quietè prout aliquis fidelis Subditus et Legeus noster quoquo Modo uti et gaudere possit, ac Lottum, Scottum, Taxam, Tallagium, et alias Consuetudines et Impositiones quascunq. non alitèr nec alio Modo quam cæteri fideles Subditi et Legei nostri solvunt et contribuunt, solvant et contribuant: aliquo Statuto, Actu, Ordinatione sive Provisione inde in contrarium facto, edito, sive proviso in aliquo non obstante. Proviso sempèr quòd dicti Stationarii sive Impressores extra Obedientiam nostram sic, ut præmittitur, oriundi, omnia et omnimoda Custumias, Subsidia, et alios Denarios pro Rebus et Merchandizis suis extra vel infra Regnum nostrum educendis vel inducendis nobis debitè de Tempore in Tempus solvent, prout Alienigenæ nobis solvunt et non alitèr. In Cujus Rei Testimonium has Literas nostras fieri fecimus patentes. Teste meipso apud Westm. 20° Die Julii, An. Reg. 26°.

From Hare, vol. 3, f. 70.

Extract from a Paper called "Decretum Saccarii de Bonis Leonardi Metcalfe," &c. An. 1541.

A CERTIFICATE made unto our Soveraine Lord the King, by me John Edmonds, Doctor in Divinity & Vice-chancellor of the University of Cambridge, of & for the Goods of Leonard Metcalfe, late Scholer of St. John's Colledge in Cambridge, attached of Murther for the Death of one William Lamkyn, Burges of the Towne of Cambridge, & thereupon arraigned & found guiltie, & so by Course of the King's Lawes put to Execution, suffering Paynes of Death for the same, at the Assize holden at the Castle within the said Towne the 18th Day of March, in the Year above-written: which Goods found & remayninge the Day of his Attayndre, were prized by the common Prizers of the Universitie, & be such as hereafter particularly follow.

	£.	s.	d.
First, a great thinne Chest, with a hanging Locke & Key, at	0	1	8
Item, a long Gowne, with a Whood faced with Russells	1	0	0
Item, a Jacket of tawny Chamblet, old . . .	0	3	4
Item, an old Dublett of tawny Russells . . .	0	1	2
Item, a Jacket of black Sage	0	1	8
Item, a Dublet of Canvas	0	1	0
Item, a Pair of Hoose	0	1	8
Item, a Cloke	0	2	8
	1	13	2

	£.	s.	d.
	1	13	2
Item, a Sheet, old	0	0	8
Item, half an old Testure, of Darnix	0	0	4
Item, an old Hat	0	0	4
Item, a Chaire & a Meat Knyfe	0	0	5
Item, an old Lute	0	1	0
Item, a Callepine, of the worst	0	1	8
Item, Vocabularius Juris et Gesta Romanorum	0	0	4
Item, Introductiones Fabri	0	0	3
Item, Horatius sine Commento	0	0	4
Item, Tartaretus super Summulas Petri Hispani	0	0	2
Item, The Sheepheards Kalender	0	0	2
Item, Moria Erasmi	0	0	6
Item, Compendium 4 Librorum Institutionum .	0	0	3
Item, in the Bailiff's hand—A pair of Sheets .	0	1	0
Item, a Coverlet	0	0	10
Item, a very old Blankett	0	0	2
Item, lent to the same Lamkyn	2	0	0
Summa .	4	1	8

By me JOHN EDMONDES,
Vicechan. of the University of Cambridge.

From Hare, vol. 3. f. 82.

A Letter from the Privy Council, ordering that the Mayor & Sherriff acknowledge their Offences committed against the Proctors in Sturbridge Fair.

AFTER our Right hearty Commendations, these shall be to advertise you, that upon the Occasion of such Matter of Complaint, as on your Behalf hath been exhibited unto us against the Mayor of the Town & the Undersherriff of that Countie. Wee have heard them at good Length, & in the End find them sorry for their Attempts, & very willing to do, that should be by us appointed for Redubbe thereof. Whereupon we have taken Order, that both the said Mayor & Undersherriff shall not only knowledge their Faults before you the Vicechancellor & six or seven others of the Heads of your Colleges & the two Proctors, but also that the Mayor in the common Hall shall openly among his Bretheren acknowledge his wilfull proceeding; and exhort them all, as much as in him lieth, to beware of the like hereafter: the doing whereof like as we thought should give a good Example to others, not to attempt the breaking of any of your Liberties hereafter; whereby, according to your own Information, ye may the more quietly apply your Learning, so we doubt not but you will conform yourselves indeed, & not only at such Times as these, Men shall come to knowledge their Faults use such quiet, sober, & gentle Entertainment of them as shall become Men of your Callings, but also in the diligent applying of your Learning, & the Rest of your Proceedings so to use yourselves, that these the King's Majestie's Grants may take their intended Effect

among you: In which Case we shall not only think this our Travell well employed, but also to be glad to aid you further from Time to Time as Occasion shall so require accordingly; & thus fare you well heartily. From Hampton Court, the 3d. of Octob. 1547.

Your loving Friends,

W. Seint John, John Russell,
Anth. Browne, Anth. Wingfield,
W. Paget, W. Peters,
Ed. Northe.

To our loving Friends the Vicechancellor & other Students of the University of Cambridge.

This is the Order & Decree which was taken by the King's Majestie's Privy Council the 3d. *Day of* Octob. 1547, *& to be spoken before the University by* James Fletcher, *late Mayor of the Town of* Cambridge.

WHEREAS certain Prisoners taken by the Procters of the University in this last Sturbridge Fair, for Persons of naughty & corrupt Behaviour, were by the same Proctors brought to the Tolboth, to have been there committed to Prison, both for their Punishment & also the Example of others. And I having before taken the Keys of the Prison into my Custody, would not suffer the said Malefactors to be taken into Prison; whereupon I have been called before

my Lords & others of the King's Majestie's privy Council, & my Fault therein so justly & plainly opened unto me, as I could not deny the same: like as then before my said Lords I did sincerely & wittingly confess my said Fault; so now by their Order I confess before you all, that in Refusal to accept the said Prisoners I did unwisely & indiscreetly, both to the Danger of myself, if the matter should be extreamly construed, & also to the evill Example of the Rest of the Townsmen, whereby they might take Courage to do the like least they fall into like Danger, but to do rather all Things, that may breed a Quietness between you & us.

W. Honing Clericus, privati Consil. Dni Regis.

The Effect of this was the Undersherriff of Cambridgeshire appointed to pronounce before the Vicechancellor changing only his Fault of the bayling the Prisoners from the Castle.

From Hare, vol. 3, f. 106.

Charta Elizabethæ *Reginæ An. Reg.* 3^tio^.

ELIZABETHA Dei Gratia, Angliæ Franciæ et Hiberniæ Regina, Fidei Defensor, &c. omnibus ad quos præsentes Literæ pervenerint Salutem.

Cum Dominus Henricus quondam Rex Angliæ tertius Progenitor noster per suas Literas gerentes Datum apud Westm. 22°. Die Feb. Anno Regni sui 52°. inter alias Libertates, Privilegia, et Immunitates quas concessit Cancellario, Magistris et Scholaribus Universitatis nostræ Cantebrigiæ inter alia concesserit. Quod, si Laicus inferat Clerico gravem vel enormem Lessionem, statim caperetur: et, si

This & all the foregoing Charters, from Hen. 3d downwards, were fully ratified by the Act of Parliament *for the incorporating the two Universities Eliz.* 13°. *ap. Hare, vol. 2. f.* 135.

magna sit Lessio incarceretur in Villâ prædictâ, et ibi detineretur, quousq. Clerico rationabiliter esset satisfactum: Et si Clericus inferret gravem vel enormem Lessionem Laico incarceretur in villâ prædictâ quousq. Cancellarius ipsum postulasset. Et in quadam Charta Domini Edvardi quondam Regis Angliæ secundi Progenitoris nostri gerente Datum apud Claryndon 14°. Die Feb. Anno Regni sui 10°. inter alia continetur. Quòd, si Laicus Clerico, vel Clericus Laico levem Transgressionem inferret, illud idem in omnibus observaretur. Et Quòd, si fortè Cancellarius Universitatis prædictæ, qui pro Tempore fuerit, crederet vel verisimiliter conjectaret, quod sic incarcerandi indebite custodirentur, tunc Custodes illorum incarceratorum ad Petitionem ejusdem Cancellarii vel alicujus Magistri per ipsum Cancellarium ad hoc deputandi, ipsum Cancellarium seu Magistrum prædictum prædictos incarceratos et Modum Custodiæ eorundem supervidere permitterent, quotiès necesse foret, et Cancellario visum foret expedire; et Defectus vel excessus (si quem in dicta Custodia invenire contigeret) ad Denuntiationem Cancellarii corrigeretur, prout in Charta prædicta pleniùs continetur. Ac Jam intelleximus ex Querela Cancellarii, Magistrorum, et Scholarium Universitatis prædictæ, quòd Major et Ballivi Villæ prædictæ, ac Custos Prisonæ Villæ prædictæ, nec non Vicecomes Comitatûs Cantebrigiæ, et Custos Prisonæ nostræ Cantebrigiæ jampridem non solum renuerunt accipere et custodire Personas delinquentes ad aliquam earundem Prisonarum sive Carcerum, per Vicecancellarium Universitatis prædictæ pro Tempore existentem commissos eisdem Modo et Formâ prout per eundem Vicecancellarium dictis Majori, Ballivis, Vicecomiti, et Custodi præceptum fuerit accipere et custodire, sed etiam diversas Personas, quas antehac custodiendas receperunt, contra Mandatum ipsius Vicecancellarii extra Prisonam illam dimiserunt et deliberaverunt.

Modus custodiendi et liberandi incarceratos.

Nos igitùr pro securiori Custodiâ hujusmodi delinquentium posthac providere volentes, declaramus et per præ-

sentes mandamus et firmitèr injungimus tam Majori, Ballivis et Burgensibus prædictæ Villæ Cantebrigiæ et Successoribus suis, ac omnibus et singulis Officiariis et Ministris ejusdem Villæ, et Custodi Prisonæ Villæ prædictæ, qui nunc sunt vel in posterum erunt, quàm Vicecomiti Comitatûs nostri Cantebrigiæ, et Custodi Carceris nostri prædicti qui nunc sunt, aut aliquo Tempore in posterum erunt, quòd iidem Major et Ballivi et Burgenses Villæ prædictæ, et Vicecomes Comitatûs prædicti, et Custodes Prisonæ et Carceris prædicti, et Officiarii et Ministri et eorum quilibet pro Tempore existens omnes et singulas Personas sic delinquentes ad Carceres illos vel eorum alterum per Cancellarium prædictæ Universitatis ac ejus Vices gerentem sive Deputatum pro Tempore jam vel in posterum aliquo Tempore existentem, vel per Authoritatem ipsius Universitatis missas, et de Tempore in Tempus in posterum mittendas in Carcerem recipiant et recipiat, et eas in illa Prisonâ dictorum Carcerum cui missi fuerint, salvò et securè custodiant, et custodiat eisdem Modo et Formâ, prout per Cancellarium dictæ Universitatis pro Tempore existentem vel ejus Vices gerentem sive Deputatum pro Tempore existentem, vel per ipsius Universitatis authoritatem assignabitur, et non aliter nec alio Modo: Necnon easdem Personas ad Mandatum Cancellarii ejusdem Universitatis, vel ejus Vicem gerentis sive Deputati pro Tempore existentis, vel ipsius Universitatis solummodò, et non ad alicujus alterius mandatum sive Præceptum, vel Nostri, Hæredum, vel Successorum nostrorum de Tempore in Tempus a Carcere vel Prisonâ prædictâ liberabunt, et liberari facient, aut liberabit et liberari faciet eorum quemlibet sub Pœna Contemptûs, et incurrendi Indignationem nostram, Hæredum et Successorum nostrorum.

Cumq. etiam Dominus Richardus quondam Rex Angliæ Progenitor noster per suas Literas patentes gerentes Datum apud Westm. 10mo. Die Decemb^r^. Anno Regni sui 7mo. inter alias Libertates, Privilegia, et Immunitates concessas Cancellario, Magistris, et Scholaribus Universitatis Cantebrigiæ

prædictæ concesserit, quod Cancellarius prædictæ Universitatis ejusq. Successores et eorum Locatenentes coram seipsis habeant Cognitionem omnimodorum Placitorum personalium, tam Debitorum, Computorum, et quorumcunq. aliorum Contractuum, et Injuriarum, quam Transgressionum omnium contra Pacem, et Misprisionum quarumcunq. infra Villam, et Suburbia ejusdem villæ factorum (Mahemio et Felonjâ duntaxat exceptis) ubi Magister, vel Scholaris, vel Serviens Scholaris, aut communis Minister dictæ Universitatis unus Partium fuerit. Et ea teneant ubicunq. infra Villam prædictam et Suburbia ejusdem placuerit: Et inde Executionem secundum Leges et Consuetudines suas faciant: Ac de hujusmodi Transgressionibus tam ex Officio quam ad Sectam Partis in Formâ prædictâ inquirant. Et quod tam Justiciarii ad Placita coram se et Hæredibus suis tenenda assignati et assignandi, et Justiciarii sui et Hæredum suorum de Banco quam alii Judices quicunq. in Præsentiâ et Absentiâ suâ et Hæredum suorum dicto Cancellario et ejus Successoribus eorumq. Loca tenentibus de omnimodis Placitis prædictis Allocationem faciant absq. Difficultate vel Impedimento aliquali. Et quod nullus Justiciarius seu Judex in Præsentiâ seu Absentiâ suâ vel Hæredum suorum, Vicecomes, Major, Ballivus, seu alius Minister de Placitis illis seu aliquo eorundem intromittat, nec Partem ad Respondendum ponat coram ipsis, prout in Chartis prædictis plenius apparet. Ac Jam per prædilectum Consiliarium nostrum Willielmum Cecill Militem, Cancellarium prædictæ Universitatis intelleximus, quòd multi Scholares, in dicta Universitate studentes et commorantes, extra Universitatem prædictam per Brevia nostra ad diversas Curias nostras arrestantur, attachiantur, trahantur, et super Placitis et Transgressionibus prædictis molestantur quotidiè et gravantur ad grave Damnum Studii et Facultatum suarum et contra Chartam dicti Domini Regis et Libertatum in eâ Chartâ, ut supradictum, est, concessarum.

Nos, pio et quieto studiosorum Voto ac Tranquillitati in hac Parte consulere ac providere volentes, ac Gratiam facere specialem, dedimus et concessimus, ac ex certâ Scientiâ et mero Motu nostris per præsentes, pro Nobis, Hæredibus et Successoribus nostris damus et concedimus præfatis* Cancellario, Magistris, et Scholaribus, et Successoribus suis in perpetuum, quod ipsi et eorum Loca tenentes pro Tempore existentes coram seipsis habeant cognitionem omnium et omni modorum Placitorum personalium, tam Debitorum, Computorum, et omnium aliorum Contractuum quorumcunq. et Injuriarum, quàm Transgressionum contra Pacem, Misprisionum quarumcunq. ut prædictum est, infra Villam prædictam et Suburbia ejusdem initorum et factorum, sive aliquo Tempore in posterum faciendorum vel ineundorum (Mahemio et Feloniâ duntaxat exceptis) ubi et quandocunq. aliquis Magister, vel Scholaris, vel serviens Scholaris, aut communis Minister dictæ Universitatis unus Partium fuerit. Et omnia et singula hujusmodi Placita et Transgressiones *prædicti Cancellarii, et Scholares, et eorum Loça tenentes, et Successores sui audiant, teneant, et finalitèr determinent, ubicunq. infra Villam, et Suburbia ejusdem Villæ placuerit: Et inde Executionem faciant secundum Leges et Consuetudines suas antehac usitatas. Et Quod Curia dicti Cancellarii, Magistrorum, et Scholarium, super hujusmodi Placitis et Transgressionibus prædictis sit Curia de Recordo. Et quod de hujusmodi Actionibus, Querelis, Sectis et Transgressionibus tam ex Officio, quam ad Sectam Partis secundum Leges et Consuetudines prædictas inquirant et cognoscant audiant et finalitèr determinent eisdem Modo et Formâ, prout ante hac Tempora usi fuerunt. Ac, tam per Amerciamenta secundum sanas Discretiones suas imponenda, quam per Imprisonamenta Corporum delinquentium, contumacium et Reorum, ad compellendos omnes et singulos delinquentes et defendentes in hujusmodi Actionibus, Querelis, et Transgressionibus comparend. et respondend. in eisdem Actionibus, Querelis, et Trans-

Cognitio Placitorum personalium.

*Above, *the Chan. Masters, & Scholars*, here *the Chan. & Scholars* only. The Charter of Rich. 2d, *above*, is not liable to this Exception.

Curia Cancellarii de Recordo Curia.

Coercio convictorum ad satisfaciend.

gressionibus. Et si aliquis delinquens aut defendens, seu aliqui delinquentes seu defendentes in aliqua hujusmodi Actione, Querela, seu Transgressione convictus fuerit, seu convicti fuerint ad compellendos omnes et singulos hujusmodi delinquentes, reos, et defendentes ad satisfaciendum de omnibus unde convicti fuerint, seu eorum aliquis convictus fuerit secundum Leges et consuetudines dictæ Universitatis antehac Usitatas, vel secundum Statuta hujus Regni Angliæ jam edita seu in posterum edenda. Et Quod tam Justiciarii ad Placita coram Nobis, Hæredibus et Successoribus nostris tenenda assignati et assignandi; Et Justiciarii nostri, Hæredum, et Successorum nostrorum de Banco, quam alii Judices quicunq. in Præsentiâ et Absentiâ nostrâ, Hæredum, et Successorum nostrorum dicto Cancellario et ejus Successoribus, eorumq. Loca tenentibus de omnimodis Placitis prædictis Allocationem faciant absq. Difficultate vel Impedimento aliquali. Et Quod nullus Justiciarius seu Judex in Præsentiâ vel Absentiâ nostrâ, Hæredum, vel Successorum nostrorum, Vicecomes, Major, Ballivus, seu alius Minister de Placitis illis, seu aliquo eorundem se intromittat, nec Partem ad respondendum coram ipsis ponat; sed quod Pars illa coram præfato Cancellario, et Successoribus suis, seu eorum Loca tenentibus inde solummodo justificetur et puniatur in Formâ prædictâ, et non alibi, neq. alio Modo. Et Quod omnia et singula Brevia super hujusmodi Placitis, et Transgressionibus contra hanc Concessionem nostram facta seu fienda sint ipso Jure nulla.

Justiciarii faciunt Allocationem hujus Chartæ.

Non Usus.

Et ulterius, volumus, ac per præsentes de Gratiâ nostrâ speciali, ac ex certâ Scientiâ et mero motu nostris pro nobis, Hæredibus, et Successoribus nostris damus et concedimus præfatis Cancellario, Magistris et Scholaribus Universitatis prædictæ, et Successoribus suis, quod licet ipsi aliquâ vel aliquibus Libertatum, Franchesiarum, Privilegiorum et Immunitatum in aliquibus Chartis seu Literis patentibus aliquorum Progenitorum nostrorum Regum Angliæ specificatis hactenus usi non fuerunt, aut illis eisdem Libertatibus,

Franchesiis, Privilegiis, seu Immunitatibus aut istis nostris in præsenti Chartâ concessis seu aliqua earum in posterum non utentur, ipsi tamen et eorum Successores Libertatibus, Franchesiis, Privilegiis, et Immunitatibus illis et eorum qualibet sine Occasione vel Impedimento nostri, Hæredum, vel Successorum nostrorum, Justiciariorum, Escaetorum, Vicecomitum aut aliorum Ballivorum, seu Ministrorum nostrorum, Hæredum vel Successorum nostrorum quorumcunq. de cætero plenè habeant, teneant, gaudeant et Utantur.

Perdonatio non Usûs et Abusus.

Pretereà nos volentes cum eisdem Cancellario, Magistris, et Scholaribus Gratiam facere ampliorem, de Gratiâ nostra speciali ac ex certâ Scientiâ et mero Motu nostris perdonavimus, relaxavimus, et remisimus, ac per præsentes pro nobis, Hæredibus, et Successoribus nostris perdonamus, remittimus, et relaxamus præfatis Cancellario, Magistris, et Scholaribus omnes et singulos non Usus et Abusus quarumcunq. Libertatum, Franchesiarum, Privilegiorum, et Immunitatum in quibuscunq. Chartis et Literis patentibus aliquorum Progenitorum nostrorum Regum Angliæ, nec non omnes et singulos non Usus et Abusus Omnium et singulorum Libertatum, Franchesiarum, Privilegiorum, et Immunitatum nostrorum in præsenti Charta concessorum, et omnes et singulos Contemptus, Negligentias, Pœnalitates, et alias Offensas quascunq. in quas iidem Cancellarius, Magistri et Scholares Ratione vel Occasione non Usus vel Abusus Libertatum, Franchesiarum, et Immunitatum prædictarum penes nos et Successores nostros incurrere potuissent, vel poterint, debuissent vel debebunt; et eadem Libertates, Franchesias, Privilegia et Immunitates pro Nobis, Hæredibus, et Successoribus nostris, damus, concedimus, restituimus et confirmamus eisdem per præsentes.

Et Ulterius nos volentes ampliorem Gratiam præfatis Cancellario, Magistris, et Scholaribus Universitatis prædictæ facere, de Gratiâ nostrâ speciali, ac ex certâ Scientiâ et mero Motu nostris, pro nobis, Hæredibus, et Successoribus nostris damus et concedimus præfatis Cancellario, Ma-

gistris, et Scholaribus Universitatis prædictæ et Successoribus suis in perpetuum Libertates, Privilegia et Exemptiones subscriptas, videlicèt. Quod nullus Scholaris, aut alia Persóna quæcunq. studens, aut qui bonarum Literarum Causâ in prædicta Universitate nunc est, aut qui in posterum erit, nec aliquis Serviens, aut Minister alicujus eorum, neq. aliquis Officiarius, Serviens, seu Minister prædictorum Cancellarii, Magistrorum, et Scholarium Universitatis prædictæ, aut Successorum suorum, aut Serviens alicujus eorum ad aliquod Tempus in posterum compellatur seu arctetur ad comparendum seu veniendum coram aliquibus Justiciariis, Commissionariis, seu Ministris nostris, Hæredum, vel Successorum nostrorum, aut coram aliquo eorum ad Monstrationes Hominum pro Guerrâ, vel aliter quovis Modo capiendas seu habendas in Comitatu Cantebrigiæ, aut in prædictâ Villâ, vel alibi. Sed quod omnes et singuli Scholares, et Personæ studentes, aut bonarum Literarum Causa commorantes in dictâ Universitate, ac Servientes, et Ministri eorum cujuslibet, ac Officiariorum Servientes, et Ministri prædicti Cancellarii, Magistrorum et Scholarium, et eorum Servientes quoad comparendum seu veniendum coram aliquibus Justiciariis, Commissionariis, seu Ministris nostris, vel quocunq. Justiciario, Commissionario, seu Ministro nostro, Hæredum vel Successorum nostrorum ad Monstrationes Hominum quovis Modo capiendas seu habendas, et de omnibus et omnimodis Offensis, Contemptibus, Transgressionibus, Forisfacturis, et Deperditis illos tangentibus, seu concernentibus pro Absentiâ hujusmodi sint et quilibet eorum sit de Tempore in Tempus per solam Ostensionem harum Literarum nostrarum Patentium penitùs exonerati et quieti per præsentes. Aut quod nullus Scholaris, aut Minister, seu Serviens Cancellarii, Magistrorum, et Scholarium Universitatis prædictæ, aut Successorum suorum, aut Servientes alicujus eorum posthac cogatur dare aut contribuere aliquas Expensas, aut Sumptus aliquos facere ad monstrationes Hominum, aut circa Præparationem aut Missionem aliquorum

Quod Scholares non arctentur ad Monstrationes, *Ang. Musters.*

Sed liberi sint per Ostensionem hujus Chartæ.

Hominum ad Guerram, sed quod ab omnibus hujusmodi Expensis, Sumptibus, et contributionibus sint et eorum quilibet sit de Tempore in tempus immunis et liber. Ac quod nullus serviens, Officiarius seu Minister nostri, Hæredum, vel Successorum nostrorum, vel aliqua alia Persona Ratione Commissionis seu Mandati nostri, Hæredum vel Successorum nostrorum pro nobis Hæredibus, et successoribus nostris, aut ad Negotia nostra, Hæredum, vel Successorum nostrorum facienda seu exequenda vel alitèr quovis Modo ad aliquod Tempus in posterum utatur seu capiat aliquem Equum seu Equos alicujus Scholaris seu alterius Studentis cujuscunq. aut communis Ministri, aut Servientis illorum in prædictâ Universitate Cantebrigiæ, vel alicujus Officiarii, Servientis, sive Ministri alicujus Scholaris, sive alicujus Personæ cujuscunq. Studentis in dictâ Universitate sive Servientis eorum alicujus. Et si per aliquem Officiarium, Servientem seu Ministrum nostrum, Hæredum vel Successorum nostrorum, seu aliquam aliam Personam. Ratione Commissionis suæ contra factum fuerit, tunc bene licebit præfatis Cancellario, Magistris, et Scholaribus, et Successoribus suis, per seipsos seu Ministros suos, seu per eorum aliquem contradicere, et quolibet legali modo resistere eisdem et eorum cuilibet absq. Molestatione, Impeticione, Perturbatione, seu Vexatione nostri, Hæredum vel Successorum nostrorum. Et quod nullus Serviens, Officiarius seu Minister nostri, Hæredum, vel Successorum nostrorum Ratione Commissionis seu mandati nostri, Hæredum vel Successorum nostrorum vel alitèr, nec aliquis communis Provisor, anglicè vocatus a Purveyor or Powlter, ad aliquod Tempus in posterum emat seu capiat pro Familiâ nostrâ, vel pro nobis, Hæredibus, vel Successoribus nostris, vel ad Usum nostrum, Hæredum vel Successorum nostrorum, vel pro aliquibus aliis Personis, vel ad Usum alicujus aliæ Personæ aliqua Victualia, seu aliquod Genus Victualium in prædictâ Villâ Cantabrigiæ vel Suburejusdem, aut in Feriis aut Nundinis in Barnewell aut Sturbridge, aut ad eandem Villam vel Ferias venientia, vel ab

Quod Equus Scholaris non capiatur in Usus Regis.

Provisores non emant Victualia in Villa Cant. nec versus eam venientia.

aliquibus Collegiis vel Scholaribus, seu eorum Ministris vel Officiariis sine Fraude et Dolo infra quinq. milliaria ejusdem Villæ priùs empta seu provisa. Et Quod nullus hujusmodi communis Provisor aut Pullarius (Provisoribus nostris, Hæredum, vel Successorum nostrorum omninò exceptis) capiat pro se vel pro aliquibus aliis Personis aliqua hujusmodi victualia infra quinq. milliaria ejusdem villæ Cantebrigiæ circumquaq. Anglicè vocata Englishe Myles, absq. Licentia dictorum Cancellarii, Magistrorum, et Scholarium, et Successorum suorum Sigillo dictæ Universatis sigillatâ. Volentes et concedentes pro nobis, Hæredibus et Successoribus nostris præfatis Cancellario, Magistris, et Scholaribus, et Successoribus suis, quòd, si aliquis Serviens, Officiarius, seu Minister nostri, Hæredum, vel Successorum nostrorum, vel aliqua alia Persona quæcunq. ad aliquod Tempus in posterum præsumat attentare vel facere aliquid contra Formam seu Effectum istius præsentis nostræ concessionis, quòd tunc benè licebit præfatis Cancellario, Magistris, et Scholaribus et Successoribus suis per seipsos, aut per Officiarios, seu Ministros suos, sive per eorum aliquem omnibus et singulis hujusmodi Provisoribus et Pullariis quolibet legali modo contradicere et resistere. Ac hujusmodi Victualia, sic contra istam præsentem nostram Concessionem capta seu empta, auferre, ac aliis infra Villam prædictam justo Pretio vendere, ac Pecuniam inde provenientem in Usus Pauperum convertere, absq. Impeticione, Molestatione, Perturbatione, Vexatione, Gravamine, seu Impedimento nostri, Hæredum, vel Successorum nostrorum.

Nec infra 5 Millaria absq. Licentiâ : regiis Provisoribus exceptis.

Delinquentibus in hac Re licet resistere.

Et Victualia eorum in usus Pauperum auferre et vendere.

Necnon de ampliori Gratiâ nostrâ ex certâ Scientiâ et mero motu nostris, volumus et concedimus pro nobis, Hæredibus, et Successoribus nostris per præsentes, quòd prædictus Cancellarius, Magistri, et Scholares Universitatis Cantebrigiæ prædictæ et Successores sui de Tempore in Tempus in perpetuum soli et in solidum habeant, gaudeant, utantur, et teneant Officium Clerici Mercati nostri, Hæredum et Successorum nostrorum in prædictâ Villâ Cantebrigiæ et Suburbiis

Officium Clerici Mercati.

ejusdem Villæ Barnewell et Feriis tentis apud Barnewell et Sturbridge in Suburbiis ejusdem Villæ, ac gaudeant, agant, et exequi faciant in eisdem Villâ, Suburbiis, et Feriis prædictis omnia et singula ad Officium Clerici Mercati nostri, Hæredum et Successorum nostrorum pertinentia seu spectantia. Ac Quod prædicti Cancellarius, Magistri, et Scholares, et Successores sui, et eorum Vices gerentes de Tempore in Tempus soli et in solidum habeant Potestatem inquirendi et cognoscendi de omnibus et singulis Forstallatoribus, Regratariis, et Ingrossatoribus, Anglicè vocatis *Ingrossers*, in prædictâ Villâ Cantabrigiæ et Suburbiis prædictis, et super his Punitionem debitam faciendi secundum Leges et Consuetudines suas, vel secundum statuta et Actus Parliamenti jam edita seu in posterum edenda. Ac prætereà, si ad aliquod Tempus in posterum monstrabitur seu declarabitur Cancellario dictæ Universitatis vel ejus Vicem gerenti pro Tempore existenti, quod aliqua Persona inhabitans in prædicta Villa Cantebrigiæ, aut in Suburbiis aut Feriis ejusdem Villæ, ut prædicitur, existens, aut ad Mercatum, Ferias et Nundinas in prædictâ Villa aut Suburbiis ejusdem tentas seu tenendas adveniens sive adventura pro Venditione Victualium in Domo seu Shopâ, vel alibi in eâdem Villâ aut Suburbiis ejusdem in Barnewell ac Sturbridge prædictis, aliquos Carnes seu Pisces quoscunq. corruptos vel insalubres, aut aliquid aliud corruptum Victuale. Quòd tunc Cancellarius prædictæ Universitatis Cantebrigiæ vel ejus Vices gerens pro Tempore existens per seipsum, seu Officiarios, vel Ministros suos licitè et impunè ingredi potest in eandem Domum, Shopam, aut alium Locum, ubi tales Carnes, Pisces, aut corruptum Victuale fore contigerit, et easdem Carnes et Pisces, et corruptum Victuale, et eorum quodlibet capere, sesire, et secum asportare, ac in publico Loco infra dictam Villam Cantebrigiæ vel Suburbia ejusdem comburere, aut ad aliquem alium usum secundum Discretionem suam convertere. Et si aliquæ Personæ vel Persona prædicto Cancellario vel ejus Vices gerenti pro Tempore existenti ad hoc faciendum et exercendum resistat, seu resis-

Inquisitio de Forstallatoribus et aliis.

See Stat 5. Ed. 6. C. 15. 13. Eliz. C. 25

Eorundem Punitio juxta Leges Universitatis et Statuta Regni.

Scrutatio pro corruptis Victualibus.

Quæ capienda sunt et comburenda.

Resistentes in hac re incarcerandi.

tere aut resisti faciat seu faciant, quod tunc bene licebit eidem Cancellario vel ejus Vicem gerenti pro Tempore existenti quamlibet hujusmodi Personam sic resistentem imprisonare ad Voluntatem Cancellarii prædicti vel ejus Vicem gerentis pro Tempore existentis de Tempore in Tempus in perpetuum. Ac etiam damus et concedimus pro nobis, Hæredibus, et Successoribus nostris per præsentes prædictis Cancellario, Magistris, et Scholaribus dictæ Universitatis Cantebrigiæ et Successoribus suis in perpetuum tàm omnia et singula Victualia ad aliquod Tempus ex nunc in perpetuum in dictâ Villâ Cantebrigiæ et Suburbiis ejusdem in Barnewell et Sturbridge prædictis seu in eorum aliquo vendita seu vendenda empta seu emenda, quæ Ratione communis Legis hujus regni nostri Angliæ aut aliquorum Statutorum sive Actuum Parliamenti, vel alicujus statuti sive Actûs Parliamenti forisfieri contigerit Rationibus vel Causis supradictis, quàm omnia et omnimoda Fines et Amerciamenta fienda seu solvenda Ratione Venditionis hujusmodi Victualium quorumcunq. in eisdem Villa et Suburbiis ejusdem in Barnewell et Sturbridge prædictis, aut in eorum aliquo.

Victualia foris facta cum Finibus concedantur Universitati.

Et Insuper volumus et pro nobis, Hæredibus, et Successoribus nostris per præsentes concedimus præfatis Cancellario, Magistris, et Scholaribus et Successoribus suis in perpetuum, quòd benè licebit præfatis Cancellario, Magistris, et Scholaribus, et Successoribus suis per seipsos, aut per eorum Deputatos, Officiarios, Servientes, et Ministros, seu per eorum aliquem sive aliquos de Tempore in Tempus ad omnia Tempora tam in Die quam in Nocte ad eorum Beneplacitum ex nunc in perpetuum ad faciendum Scrutinium, Scrutationem, et Inquisitionem tam per Diem quam per Noctem quotiescunq. et quandocunq. eis videbitur expedire in prædictâ Villâ Cantebrigiæ et in Suburbiis ejusdem et in Barnewell et Sturbridge prædictis de et pro omnibus et publicis Mulieribus, Pronubis, Vagabundis, et aliis Personis de Malo suspectis ad dictam Villam et Suburbia, Ferias, Mercatus, Nundinas, et Loca prædicta, seu ad eorum aliquem venientes

Scrutatio pro publicis Mulieribus, et aliis Personis de Malo suspectis.

seu confluentes. Ac omnes et singulas illas Personas quas iidem Cancellarius, Magistri, et Scholares, aut eorum Successores, aut eorum Deputati, Officiarii, Servientes, et Ministri, seu eorum aliqui seu aliquis super aliquod hujusmodi Scrutinium, Scrutationem, sive Inquisitionem reas seu suspectas de Malo invenerint puniendi per Imprisonamenta Gorporum suorum, Bannitionem, et aliter, prout Cancellario dictæ Universitatis Cantebrigiæ aut ejus Vicem gerenti pro Tempore existenti videbitur punire, absq. Impetitione, Molestatione, Perturbatione, seu Gravamine nostri, Hæredum, vel Successòrum nostrorum, aut aliquorum Officiariorum, seu Ministrorum, vel alicujus officiarii, seu Ministri nostris Hæredum, vel Successorum nostrorum, seu eorum alicujus, Statuto sive Actu Parliamenti jam edito seu in posterum edendo in aliquo non obstante. Ac etiam per præsentes mandamus, ac firmitèr injungendo præcipimus Majori, Ballivis, ac aliis Officiariis, et Ministris prædictæ Villæ Cantebrigiæ, et aliis Personis quibuscunq. quod ipsi, seu eorum aliquis ad aliquod Tempus in posterum non impediant, seu impediat, aut impedire faciant, aut faciat quovis modo præfatos Cancellarium, Magistros, et Scholares, aut eorum Successores, vel eorum Deputatos, Officiarios, Servientes, seu Ministros, seu eorum aliquem ad faciendum Scrutinium, Scrutationem, seu Inquisitionem in Formâ prædictâ. Sed si requisiti fuerint, aut eorum aliquis requisitus fuerit per dictum Cancellarium aut ejus Locum tenentem, sive Deputatos vel Successores suos, seu per eorum aliquem; Quod tunc omnes et singulæ Personæ sic requisitæ adjuvabunt et adjuvabit auxiliantes sint et adjuvantes, et eorum quilibet sic requisitus sit auxilians præfatis Cancellario, Magistris, et Scholaribus, et Successoribus suis, ac eorum Deputatis, Officiariis, Servientibus, et Ministris ad faciendum Scrutinium, Scrutationem, et Inquisitionem Modo et Formâ prædictis sub Pæna contemptus et incurrendi Indignationem nostri, Hæredum, et Successorum nostrorum.

Earundem Punitio per Imprisonamentum, Banuitionem, vel aliter.

Major et Ballivi Scrutationem non impediant.

Sed, requisiti a V. Cancellario, eandem adjuvent, sub Pæna Contemptûs.

Potestas eligendi, singulis Annis. duodecim Prædicatores.

Et ulterius de Gratiâ nostrâ speciali, ac ex certâ Scientiâ et mero Motu nostris, pro Nobis, Hæredibus, et Successoribus nostris damus et concedimus præfatis Cancellario, Magistris, et Scholaribus, et Successoribus suis, quod ipsi et eorum Sucoessores, juxta Consuetudinem suam laudabilem antehac ibidèm usitatam, ac Privilegia in ea Parte indulta, in perpetuum habeant Authoritatem et Facultatem eligendi et emittendi singulis Annis duodecim Doctores, Magistros, sive Graduatos ad prædicandi Officium idoneos, qui sic electi, et sub Universitatis prædictæ Sigillo communi admissi ubicunq. in et per totum Regnum nostrum Angliæ et Hiberniæ Populo et Clero Verbum Dei prædicare et seminare poterint Licentiâ Ordinariorum Locorum super hoc priùs minimè requisitâ.

Hi prædicabunt ubicunq. sine Licentiâ Ordinariorum.

Cancellarius clamare possit Scholarem propter Felonias, Mahemia, &c. per Laicum imprisonatum.

See the University's Proceedings upon this Part of the Charter, in *Tabor's Book*, f. 726.

Præterea, de uberiori Gratiâ nostrâ, pro majori Securitate et Quiete Universitatis prædictæ, ac Cancellarii, Magistrorum, et Scholarium ejusdem pro Tempore existentium, concedimus eisdem nunc Cancellario, Magistris, et Scholaribus, et Successoribus suis in perpetuum; Quod, si Cancellarius, vel ejus Locum Tenens, Magistri, Scholares, Officiarii, Ministri, vel eorum Servientes, seu alia Persona quæcunq. sub vel de Privilegio ejusdem Universitatis pro Tempore existens, coram Justiciariis ad Placita coram nobis tenenda, Justiciariis ad Assisas, Justiciariis ad Gaolas deliberandas, vel Justiciariis ad Felonias et alia Malefacta audienda et terminanda assignatis et assignandis, Justiciariis Pacis, seu aliis Justiciariis, Coronatoribus, Senescallis, et Mareschallis Hospitii nostri et Hæredum nostrorum, Vicecomitibus, et aliis Justiciariis, sive Commissionariis, vel Ministris nostris vel Hæredum nostrorum quibuscunq. aut coram Majore, seu Ballivis Villæ Cantebrigiæ prædictæ per laicas Gentes infra eandem Villam vel Suburbia ejusdem, vel infra Comitatum Cantebrigiæ de aliquibus Proditionibus, Insurrectionibus, Feloniis, Murdris, vel Mahemiis infra Comitatum Cante-

brigiæ, vel Villam Cantebrigiæ, vel Suburbia ejusdem ante hæc Tempora factis, vel exnunc faciendis indictatus, rectatus, vel appellatus existit, aut in futurum indictari, rectari, vel appellari contigerit, et postmodùm Vigore hujusmodi Indictamenti, Rect. vel Appellationis arrestatus vel Imprisonatus fuerit infra Comitatum Cantebrigiæ, vel Villam Cantebrigiæ, aut Præcinctus vel Suburbia ejusdem vel alibì; Tunc, si Cancellarius Universitatis prædictæ, vel ejus Locum tenens pro Tempore existens sic ipsum arrestatum vel imprisonatum clamare, seu vendicare voluerit, ipse in cujus Custodiâ hujusmodi imprisonatus vel arrestatus existit, Corpus ejusdem Imprisonati vel arrestati Seneschallo Cancellarii dictæ Universitatis vel ejus Locum tenenti pro Tempore existenti, per Commissionem nostram sub Magno Sigillo nostro per Cancellarium nostrum vel Custodem dicti Sigilli pro Tempore existentem ex Officio suo concedendam, ad Nominationem et Ordinationem dicti Cancellarii ejusdem Universitatis, vel ejus Locum tenentis pro Tempore existentis in hac Parte, (si ille, qui sit dicto Cancellario nostro, sive Custodi Sigilli nostri vel Hæredum nostrorum nominandus, ordinandus, et præficiendus per Cancellarium dictæ Universitatis vel ejus Locum tenentem pro Tempore existentem, eidem Cancellario sive Custodi ad hoc videbitur habilis et sufficiens) statim post hujusmodi Clameum sive Vendicationem factam et faciendam sub Pæna Forisfacturæ ducentarum Librarum (unâ Medietate inde nobis et Hæredibus nostris, et alterâ Medietate inde ad Usum et Proficuum Universitatis prædictæ) tradet seu deliberabit. Ipsiq. in quorum Custodiâ indictatus, rectatus, vel appellatus per quod hujusmodi imprisonatus, vel arrestatus indictatur, rectatur, vel appellatur pro Tempore extiterit indictatus, rectatus, vel appellatus illud coram præfato Seneschallo statim cum per ipsum Seneschallum inde fuerit requisitus cum Processu et omnimodis aliis illud tangentibus sub Pænâ prædictâ in Formâ prædictâ solvendis mitti facient seu deliberari; Ita quod idem imprisonatus vel arrestatus stet rectatus in hac

Sic clamatus, Seneschallo Cancellarii tradendus est sub Pænâ 200lb.

Et coram eo solo accusandus.

Parte coram dicto Seneschallo, si nos versus eum loqui voluerimus, vel aliquis alius loqui voluerit, et non coram aliquo alio Judice quocunq. Et si idem arrestatus vel imprisonatus super hujusmodi Indictamentum, Rect. Appellationem placitet ad Verificationem sive Inquisitionem Patriæ; tum prædictus Seneschallus inde faciat Processum per Præceptum sub Sigillo suo Vicecomiti Comitatûs prædicti dirigendum, ad venire faciendum coram dicto Seneschallo apud le Tolbothe prædictum ad certum Diem per ipsum Seneschallum præfigendum et assignandum decem et octo probos et legales Homines de Vicineto Loci ubi hujusmodi Proditio, Insurrectio, Felonia, Murdrum, vel Mahemium per hujusmodo indictatum, rectatum, vel appellatum supponitur fore factum. Et quod idem Vicecomes Præcepta illa coram præfato Seneschallo ad Diem prædictum debitè returnet sub Pæna quadrigenta Librarum in Formâ prædictâ similitèr solvendarum. Et etiam quod idem Seneschallus similitèr faciat Processus per alia Præcepta Bedellis dictæ Universitatis dirigendis, ad venire faciendum coram eo apud le Tolbothe prædictum ad Diem prædictum, decem et octo probos et legales Homines laicos sub vel de Privilegio Universitatis prædictæ existentes. Quodq. prædictus Seneschallus, hujusmodi duobus Panellis coram eo sic returnatis, ulterius ad Deliberationem hujusmodi arrestati vel imprisonati per Verificationem sive Inquisitionem hujusmodi, (cujus quidem Verificationis sive Inquisitionis una medietas sit de prædictis Hominibus per Vicecomitem Comitatûs prædicti returnandis, et alia Medietas de prædictis hominibus laicis sub vel de Privilegio et Jurisdictione Universitatis prædictæ existentes, et per prædictos Bedellos returnandos) procedat, prout de Jure, et secundum Legem et Consuetudinem Regni nostri Angliæ, ac Privilegia, Libertates et Consuetudines Universitatis prædictæ, ac Vigore præsentium fuerit faciendum.

Nisi Clericus sit, et ab Ordinario Loci clamatus.

Et si hujusmodi arrestatus vel Imprisonatus coram dicto Seneschallo allocutus, allegaverit se fore Clericum, seu aliquid aliud per quod Privilegio Ecclesiæ gaudere debet, et

per Loci Ordinarium vel ejus Deputatum clamatus fuerit; Idem Seneschallus ipso ordinario vel Deputato suo liberari faciat, prout decet. Mandantes Majori, Ballivis, et Burgensibus Villæ nostræ Cantebrigiæ prædictæ et Successoribus suis, ac Officiariis et Ministris suis sub consimili Pœna ducentarum Librarum in Formâ prædicta solvendarum, quoties in contrarium factum fuerit, quod ipsi et Successores sui hujusmodi imprisonatum, arrestatum, indictatum, rectatum, vel appellatum ad Mandatum Seneschalli prædicti in Prisonam suam recipiant, ac salvò et securè custodiant donec contrarium Mandatum ab eodem recipient, ac quod sine Contradictione aliquâ permittent Seneschallum prædictum ad Diem seu Dies pro Verificatione, Inquisitione, Arraniamento, seu Triatione prædictis per eum præfigendos seu assignandos, in Locum suum Communem, viz. in le Tolbothe prædictum intrare, ac ibidèm ad Beneplacitum suum manere, sedere, ac judicare una cum Panellis prædictis, ad perficiendum, absolvendum, et exequendum omnia et singula, quæ circa præmissa seu aliquid præmissorum necessaria fuerint seu opportuna.

Quod Major et Ballivi hujusmodi Clamatum in Prisonam suam recipient.

Et Seneschallum in suo le Tolbothe sedere, et judicare permittant.

Ulterius de uberiori Gratia nostra, ac ex certa Scientiâ et mero Motu nostris pro Nobis, Hæredibus, et Successoribus nostris damus et concedimus Cancellario, Magistris, et Scholaribus prædictis et Successoribus suis, quod ipsi et Successores sui, et omnes et singuli Doctores, Magistri, Baccalaurei, Scholares, Officiarii, Servientes, communes Ministri, seu Servientes Scholarium qui nunc sunt, et qui aliquo Tempore in posterum erunt, ac in eadem Universitate, Villâ, vel Suburbiis ejusdem residebunt, erunt, et permanebunt, per solam ostensionem harum Literarum nostrarum patentium liberi, quieti, et exonerati de omnibus et omnimodis Subsidiis, Releviis, Exactionibus, Impositionibus, Contributionibus, et Denariorum Summis quibuscunq. nobis, Hæredibus, et Successoribus nostris in posterum concedendis, levandis, seu solvendis, aliquo Actu Parliamenti, sive Statuto, Ordinatione, Re, vel Causâ in contrarium inde

Quod Universitas Scholares, et eorum Ministri sint liberi ab omnibus Subsidiis.

Excepto annuo Redditu decem Librarum.

facto seu fiendo non obstante ; Salvo semper Nobis, Hæredibus, et Successoribus nostris annuo Redditu decem Librarum nobis, Hæredibus, et Successoribus nostris solvendarum per dictum Cancellarium, Magistros et Scholares pro Assisâ et Assaiâ Panis et aliorum Victualium debito.

Quod Præcinctus Universitatis sint unum Milliare Villæ undequàq.

Et quia ex humili Insinuatione dilectorum nostrorum Cancellarii, Magistrorum, et Scholarium Universitatis prædictæ Cantebrigiæ intelleximus, quod ipsi et Predecessores sui, pro eo quòd Præcinctus sive Suburbia Villæ Cantebrigiæ prædictæ per certas Metas et Bundas in speciali in Chartis et Confirmationibus sibi in ea Parte factis et concessis non limitantur, ac pro eo quod quædam de Libertatibus et Privilegiis sibi concessis sub verbis generalibus conceduntur, sæpius fuerunt et sunt impediti, quo minus ipsi Libertatibus et Privilegiis illis juxta piam Intentionem Progenitorum nostrorum prædict. uti possint, et gaudere. Nos Universitatem nostram prædictam in omnibus Libertatibus et Privilegiis suis juxta Formam et Effectum eorundem protegere et defendere, ac omnes Ambiguitates et Controversias in futurum delere volentes, de Gratiâ nostrâ speciali, ac ex certâ Scientiâ, et mero Motu nostris volumus et concedimus, et hac præsenti Chartâ nostrâ declaramus et confirmamus pro Nobis et Hæredibus nostris, quantum in Nobis est, quod Suburbia sive Præcinctus Universitatis prædictæ limitentur, fiant, sint, et se extendant per unum Milliare, Anglicè vocatum án Englishe Myle ejusdem Villæ circumquaq. in perpetuum. Ac etiam volumus et concedimus, et hac præsenti Chartâ nostrâ confirmamus pro Nobis et Hæredibus nostris, quantum in Nobis est, quod prædictus Cancellarius et Successores sui, aut eorum Loca tenentes omnia et singula Libertates et Privilegia prædicta tam in Præsentiâ quam in Absentiâ nostrâ et Hæredum nostrorum infra hujusmodi Præcinctus et Suburbia dictæ Universitatis per nos sic factos et limitatos habeant et teneant, ac eis et eorum quolibet plenè gaudeant et utantur in perpetuum.

Quod Cancellarius, vel ejus Locum tenens omnes prædictas Libertates uti possit.

In cujus Rei Testimonium has Literas nostras fieri fecimus Patentes. Teste Meipsâ apud Westm. 26°. Die Aprilis, Anno Regni nostri 3^tio.

From Hare, vol. 3. f. 122.

BY THE QUEEN.

AN. D. 1561.

That no Member of a College keep his Wife or Family in the same.

THE Queen's Majesty, considering how the Pallaces & Howses as well of Cathedrall Churches as of Colleges of this Realm, have been both of auntient & late Time bilded & enclosed in Severalty to sustain & keep Societies of learned Men professing Study & Prayer for the Edification of the Church of God, & so consequently to serve the Commonwealth. And understanding of late, that within certain of the same Houses as well the cheif Governors, as the Prebendaries, Students, & Members thereof being married, do keep particular Households with their Wives, Children, & Nurses, whereof no small Offence groweth to the Intent of the Founders, & to the quiet & orderly Profession of Study & Learning within the same. Her Majesty therefore hath thought meet to provide Remedy herein, least by Sufferance thereof, the Rest of the Colleges, specially such as be so replenished with young Students as the very Rooms & Buildings be not answerable for such Families & young Children, should follow the like Example. And therefore expressly willeth & commandeth, that no Manner of Person being either the Head or Member of any College, or Cathedrall Church within this Realm, shall from the Time of the Notification hereof in the same College have, or be permitted to

have within the Precincts of any such College his Wife or other Woman to abide & dwell in the same, or to frequent & haunt any Lodgings within the same College, upon Pain, that whosoever shall do the contrary shall forfeit all ecclesiasticall Promotions in any Cathedrall or Collegiate Church or College within this Realm. And for Continuance of this Order, her Majesty willeth, that the Transcript hereof shall be reputed as Parcell of the Statutes of the same, & so observed.

Given under our Signett at our Town of Ipswich, the 9th. Day of August in the 3d. Year of our Reign.

From Hare, vol. 3. *f.* 131.

An Opinion of the two cheif Justices, touching the Nomination of Vintners, & settling of Prices upon Wines in the University, declared upon Occasion of Suit commenced against the University by Mr. Walter Rawleigh.

FIRST touching the Nomination of Vintners there. We think it pertaineth to the University by Usage, & Charters from her Majesty confirmed by Parliament, & that Mr. Rawleigh can nominate none there.

For the Price: It seemeth they may set Prices, so as it be according to the Statutes, & not otherwise: So as, if the Vintners sell at higher Prices, they are to be punish'd by Law, which Penalty Mr. Rawleigh may dispence withall; & yet cannot sue for the Penaltie by his Grant against the

Statute Laws; for therein all Liberties of the University are excepted.

CHRISTOPHER WRAY.

EDMUND ANDERSON.

From Hare, vol. 3, f. 144.

Charta Regina Eliz. *An. Reg.* 31°. *continet hæc omnia quæ sequuntur.*

1°. QUOD Universitas Cantab. in Nundinis de Sturbridg habeat Officium Clerici Mercatus, Assisam et Assaiam Panis, Vini, et Cervisiæ, Tentationem et Supervisum Mensurarum et Ponderum, et Jus inquirendi de Forstallationibus, Regratationibus, et Ingrossationibus, et horum omnium Correctionem et Punitionem cum Amerciamentis: et quod hæc omnia exerceant per se vel Ministros suos.

2°. Quod in iisdem Nundinis Scrutationem faciant Officiarii Universitatis pro Meretricibus et aliis Personis de Malo suspectis, et easdem puniant per Imprisonamenta vel alitèr.

3°. Quod Cancellarius et Major alternis Vicibus primam facient Proclamationem dictarum Nundinarum; et quod hæc fiat 7mo. Die Sept. ante Horam undecimam.

4°. Quod Personæ sub Privilegio Universitatis non pendant Vectigalia aliqua in iisdem Nundinis.

5°. Quod Universitas coram Commissario suo habeat Cognitionem Placitorum personalium in his Nundinis, inter extraneos, si Actor Commissarium in Judicem elegerit, et omnium omninò Placitorum personalium ubi Persona sub Privilegio Universitatis una Pars erit.

6. Quod Major habeat Cognitionem Placitorum de Contractu Victualium in iisdem Nundinis inter Burgensem et Burgensem, et inter Burgensem et extraneum ubi Burgensis est Actor, aut inter extraneos, si Actor Majorem in Judicem elegerit.

7. Quod Curia hæc Universitatis sit Curia de Recordo; et quod infra Præcinctus Feriæ teneantur.

8. Quod Commissarius tam ex Officio quam ad Sectam Partis cognoscat, et Judicet secundum Leges et Statuta Regni, vel secundum Leges et Consuetudines Universitatis in dictis Nundinis antehac usitatas: et quod idem compellat omnes tum ad apparendum, tum ad Satisfaciendum per Amerciamenta, et Imprisonamenta.

9. Quod Commissarius commodum inter easdem Nundinas Locum habeat, nimirum vel Locum consuetum, vel, si is minus commodus fieri contigerit, alium per Majorem aut in ejus Defectu per Cancellariam assignandum.

10. Quod Universitas sola et in solidum habeat Jus inspiciendi et explorandi Victualia, cum Amerciamentis, et gaugeandi Dolia et cætera quæcunq.

11. Quod reliquæ Merces in dictis Nundinis inspiciantur, et scrutentur per quatuor Homines per Cancellarium et Majorem ad id assignandos: et quod Forisfacturæ ex his Scrutationibus ortæ æqualitèr inter Universitatem et Burgum dividantur.

12. Quod omnes Lites ex dictis Scrutationibus ortæ primo Anno per Commissarium, proximo per Majorem decidantur, et sic deinceps, alternis Vicibus in perpetuum; ita tamen ut semper liceat Majori, Commissario, et Commissario, Majori in his Litibus assidere et assistere.

13. Quod omnia Universitatis Privilegia, in Nundinis de Sturbridg antehac concessa, vel per majorem Partem viginti Annorum proximè elapsorum habita, confirmentur.

14. Quod omnes illi Privilegiis Scholarium gaudeant, qui per Compositionem inter Universitatem et Oppidum

An. 17°. Henri 7mi. privilegiati declarantur: et alii etiam permulti, de quibus hic speciatim.

15. Quod Magistri Collegiorum, Doctores, Lectores regii, Procuratores, et alii licitè possint retinere, Anglicè reteyne, quilibet certum Numerum Retinendorum Anglicè of Reteyners, actu aliquo Parliamenti non obstante.

Vid. Blount's Dict. on the Word Reteiner.

From Hare, vol. 3. f. 154.

Ex Charta Jacobi I.mi *De Burgensibus.*

Cum in Collegiis Academiæ nostræ Cantabrigiensis multa sunt Statuta localia, Constitutiones, Ordinationes, Jura et Instituta,—quæ Virtute Juramenti sunt observanda et manutenenda,—cumq. Temporibus retroactis, præcipueq. nuperis multa Statuta et Actus Parliamenti facta fuerunt hæc eadem concernentia:—Idcirco Operæ Pretium et necessarium videtur, quod dicta Universitas—habeat Burgenses Parliamenti de seipsis, qui de Tempore in Tempus supremæ illæ Curiæ Parliamenti notum facient verum Statum ejusdem Universitatis, et cujuslibet Collegii, Aulæ, et Hospitii ibidèm, ita ut nullum Statutum aut Actus generalis illis aut eorum alicui privatim sine justâ et debitâ Notitiâ et Informatione in ea Parte habitâ præjudicet aut noceat.—Sciatis igitur quod nos—de Gratiâ nostrâ speciali—per præsentes pro nobis Hæredibus et Successoribus nostris volumus et concedimus Cancellario, Magistris, et Scholaribus Universitatis Cantebrigiæ et Successoribus suis,—quòd sint et erint in dictâ Universitate nostrâ Cantebrigiæ duo Burgenses Parliamenti;—quòdq. prædicti Cancellarius, Magistri et Scholares Universitatis Cantebrigiæ, et Successores sui, Virtute Præcepti, Mandati, seu Processûs super Breve nostri, Hæredum, et Successorum nostrorum in ea Parte debitè directi, habeant et

habebunt Potestatem, Authoritatem, et Facultatem eligendi et nominandi duos de discretioribus et magìs sufficientibus víris de prædictâ Universítate pro tempore existentibus fore Burgenses Parliamenti:—eosdemq. Burgenses sic electos ad Onera et Custagia dictorum Cancellarii, Magistrorum, et Scholarium Universitatis Cantabrigiæ et Successorum suorum pro Tempore existentium mittere in Parliamentum, eisdem Modo et Formâ prout in aliis Locis, Civitatibus, Burgis sive Villis Regni nostri Angliæ usitatum et consuetum est. Quos quidem Burgenses sic electos et nominatos volumus interesse et Moram facere ad Parliamentum,—prout alii Burgenses Parliamenti faciant, seu facere consueverunt. Et qui quidem Burgenses in hujusmodi Parliamento—habebunt voces suas tam affirmativas quam negativas, cæteraq. omnia et singula ibidem facient et exequantur ut alii Burgenses quicunq.—habeant, faciant, et exequantur, aut habere, facere, et exequí valeant.—

From Hare, Vol. 3. f. 170.

Charta Jacobi I.^{mi} *An.* 1604, *continet hæc omnia quæ sequuntur.*

1. Quod Concessíones omnes et Chartæ, Universitati antehac concessæ, confirmentur.

2. Quod Cancellarius habeat Cognitionem omnium Placitorum personalium ubi Persona privilegiata aut aliquod Collegium una Partium fuerit.

3. Quod Cancellarius vel in ejus Absentiâ Procancellarius ab eodem ad hoc specialitèr deputatus, in omnibus Collegiis, quibus Visitator specialis alitèr non est constitutus, sit ordinarius Visitator; et in singulis hujusmodi Collegiis, quoties ei opus videbitur, visitet; et juxta Statuta et Ordinationes cujusq. Collegii summariè determinet; et quod ab

ejusdem Sententia definitivâ sive interlocutoriâ nulla sit Appellatio, nisi ad Senatum Academiæ; cujus Sententia erit finalis.

4. Quod nulla Persona sub Privilegio Universitatis, et in eadem commorans, ponatur in aliquibus Assisis, seu Juratìs.

5. Quod Officiari Universitatis Scrutinium faciant ad eorum Beneplacitum pro Mulieribus publicis, nocturnis Scholaribus, et Vagabundis, qui honestam Causam Commorantiæ suæ in Villâ vel Suburbiis ostendere et probare non possunt; et quod eædem puniantur per Imprisonamentum, Bannitionem vel aliter prout Vice-cancellario videbitur.

6. Quod Major, Ballivi, et præsertim Constabularii sint auxiliantes Officiariis Universitatis in dicto Scrutinio faciendo, si ab iisdem ad id requisiti fuerint sub Pænâ Contemptûs.

7. Quod, si quis Histrionum Ludos, Funambulorum Exercitia, vel alia Certamina contentiosa, vel Spectacula otiosa quæcunq. Lucri Causa Populo monstrari solita, infra Villam Cantebrig. vel quinq. Milliaria ejusdem exhibeat, statìm per Officiarios Universitatis inhibeatur et exterminetur; et si refractarius fuerit ab iisdem incarceretur. Et quod hujusmodi Nugas V. Cancellarius non licentiet, nec toleret.

8. Quod quælibet Persona privilegiata faciat quamcunq. Mercaturam, et exerceat quodcunq. Artificium manuale, vel aliud in Villa et Suburbiis Cantabrigiæ æquè liberè et quietè ac Burgenses ibidem.

9. Quod Suburbia sive Præcinctus Universitatis ab extimis undiquàq. Ædificiis Villæ Cantebrigiæ incipiant, et ad mille Passus Anglicanos per rectam Lineam directe mensurandos se extendant.

10. Quod Universitas licitè possit perquirere et recipere Terras, Tenementa, &c. ad clarum annuum Valorem ducentarum Librar.

From Hare, Vol 3. f. 173.

The Precedency of the Vicechancellor.

The Judgment of the Earl of Essex Earl Marshall of England given upon Record and remaining in the Crown Office in these Words, viz.

I do set down this Judgment as Earl Marshall of England, and Judge by my Office of all Places & Precedencies; that the Vicechancellor of Cambridge is to be taken in Commission before the Mayor.

King James also an. 3d. of his Raigne by Letters under the Privy Signett commandeth the Lord Elsmere Chancellor of England to place the Vicechancellor before the Mayor in all Commissions of the Peace or otherwise where publick Shew of Degrees is to be made.

See 2d. Vol. Hare fol. 149. *Vicechan. Copy.*

An Order of the Lords of the Privy Council An. 1612.

Chesterton within the limits of the Univer.

Forasmuch as Learning hath anciently had this special Favour & Privilege, that upon any Occasion of Grievance or Complaint offer'd unto the two Universities of this Realm, whensoever they have made their immediate Recourse to the King or his Council for speedy Redress & for avoiding Length and Charges of Suit in an ordinary legall Proceeding of Justice, they have never been refused, but always graciously accepted. And whereas at this Time the V. Chancellor, Masters, & Scholers of the University of Cambridge,

concerning some Injury & Violence to be done unto their Privileges & Liberties by one Jo^n. Batisford Esq. & others, have humbly addressed themselves to us the Lords & others of his Majesties Privy Council to be therein relieved; & by their learned Council have this Day inform'd us, that having Power & Authority by Virtue of divers Charters from the Kings & Queens of this Land, his Majesties Predecessors, confirmed in like Manner by his Majesty himself, to search as well by Day as by Night in all Places within their Liberties for Vagabonds & other disorderly & suspected Persons, & to punish such Persons being found according to the Laws in those Cases provided. And that their Proctors having accordingly made search the 6th Day of Septem^b. last in Chesterton a Village near Cambridge, & within the Liberties of the University (as was alledged); & there apprehending divers Persons of lewd Conversation in the House of one Margarett Higford, committed them afterward to the Goal; some of the said disorder'd Persons complaining with the beforenamed John Batisford of Chesterton Esqr. & others upon Pretence that the University had no Jurisdiction within that Village, & that the Proctors, who made the Search, had therefore committed a Riot, did thereupon presume to preferr a Bill of Indictment against the said Proctors & their Company the last Quarter Sessions held 1mo. Octobris for the County of Cambridge, which by the Grand Jury was found Billa Vera, only upon the said Pretence that the University had no Jurisdiction within that place, which was openly affirmed by way of Information to the Jury by Mr. Batisford then sitting upon the Bench, & one Story, Constable of that Hundred: unto which complaint the said Batisford being present at the Board, & required to make Answer, denied some Circumstances, as they were delivered, but for the Matter confessed the substance, as namely, that the disordered Persons before mention'd were by him bound over in a Recognizance to prosecute the said pretended Riot against the said University at the Quarter Sessions following; &

here again insisted & maintained, that the Jurisdiction of the University did not extend to the Village of Chesterton, which his learned Council did much labour to prove.

We thereupon entering into a due Consideration of what had been alledged, as well on the one Side as on the other, & having perused that Article of their Charter, which concerneth the Extent of their Jurisdiction, whereby it appeareth that the same reacheth an English Mile undequaq. ab extimis Villæ Ædificiis, & it being on all sides agreed upon, that the said Village of Chesterton is within the said Distance; It was therefore by us decreed & adjudged, that the said Village of Chesterton is within the Jurisdiction of the said University of Cambridge; & that the Act of the Proctors in making Search there as aforesaid was lawfull; & in that Respect they & their Company unlawfully molested for so doing; for which Consideration it was accordingly order'd, that his Majesty's Attorney General should presently take a Course for the Stay of all Proceedings upon or by Colour of the said Judgment: and the said Mr. Batisford likewise admonish'd to carry himself hereafter towards the said University with more Respect, & to abstain seeking Quarrel or contention with a Body which hath ever found Love & Favour; & may justly challenge it from all Persons of liberal & ingenuous Condition.

Precedency of the Vicechancellor.

Furthermore, whereas the said V. Chancellor, Masters, & Scholers of the University of Cambridge being zealous as well of the Honour as of the Jurisdiction of their University have in like manner complained unto us, that one Tho. Smart late Mayor of the Town of Cambridge did, at a Quarter Sessions lately holden in the Guildhall of the said Town, where both he & Mr. Dr. Goche V. Chancellor were to sit as Justices of the Peace, contend with the said V. Chancellor for Precedency of Place, notwithstanding the Example of almost 200 Years to the contrary, & a Judgment given by the late Earl of Essex, Earl Marshall, now of Record, & also his Majesties express Pleasure signified unto

the Lord Chancellor, that as well in all Commissions as at any Meetings the said V. Chancellor should take Place of the Mayor of the said Town.

We for these Considerations & finding not any thing alledged to the contrary of Weight or Force sufficient, have declared & order'd, that the said V. Chancellor ought & is to take chief Place and Precedency of the Mayor at all Times and in all Places whatsoever, and that the Attempt of the said Mayor was an Injury and Disgrace offer'd to the University, whereof they had just Cause to complain. Given at his Majesties Palace at Westm^{r}. the 20th day of Octo^{b}. 1612 and in the 10th Year of his Majesties Reign.

G. Cant.	H. Northampton.	T. Suffolk.
E. Worcester.	Pembroke.	Fenton.
E. Zouche.	E. Wotton.	E. Stanhope.
		G. Herbert. Ext.
		G. Calvert.

From Hare, vol. 3. f. 186.

The Precedency of the V. Chancellor determined by the House of Lords.

Die Mercurii, Maii 12°. 1647.

The Lords assembled in Parliament having taken into consideration the difference about Precedency of place between the V. Chan. of the University of Camb. & the Mayor of the town of Cambridge; & having heard Councill, Witnesses, & Proofs on both sides, at this Barr, do after debate & mature deliberation decree, order, & adjudge, that the Precedency of place of right belongeth to the V. Chancellor of Camb. before the Mayor of the town of Camb.;

& do order that the said Precedency be enjoyed by the said V. Chan. & his Successors without any let or disturbance by the said Mayor or his Successors. And likewise it is hereby order'd that the Deed engross'd for the conveying of lands purchased with the 200lb. which Mr. Thompson gave by his last Will & Testament, to be employed in the Workhouse, for the setting the poor in Cambridge on work at the discretion of the V. Chan. & Mayor (wherein the said Mayor of the town of Camb. caused his name to be written before the V. Chan^{r}. name in the said Deed) be cancelled, & forthwith made void: & that the said Mayor, upon the sight of this order, cause a new Deed to be made, wherein the V. Chan^{r}. name shall be first placed, as of Right it ought: that so things in reference to the Workhouse in Camb. may be executed jointly by the V. Chan. & Mayor according to the tenor of the Will, and the intent of the Donor.

Jo. Brown Clericus Parliamentor.

From Tabor, f. 485.

At Whitehall the 4th *of Dec.* 1629.

Present

THE KING's MAJESTY.

L^{d}. Keeper.	Ea. Holland.
L^{d}. President.	L^{d}. V. Dorchester.
Ea. Marshal.	Mr. of the Wards.
Ea. Suffolk.	L^{d}. Treasurer.
Ea. Bridgwater.	L^{d}. H. Chamb.
Ea. Kelly.	L^{d}. Chamb.
L^{d}. Bp. of Winton.	Ea. Salisbury.
L^{d}. Archbp. of Yorke.	Ea. Danby.
L^{d}. Privy Seal.	L^{d}. V. Grandison.
L^{d}. Steward.	M^{r}. V. Chamb.
Ea. Dorset.	M^{r}. Secr. Cooke.

This day his Majesty sitting in council did hear at large the

controversy between the University of Camb. & certain Burgers of the Town, concerning the rating & setting the price of *Victualia*, and particularly of candles, and other necessaries comprised under the term of *Focalia*; and of the consequences lately fallen out upon that controversy: which having been long debated by Council learned on both sides; his Majesty finally ordered by Advice of the Board, that as well the late Mayor & Bailiff, & W^m^. Bridge, as Edward Almond, John Ball, Jonas Scott, & Tho. Oliver shall acknowledge & submitt themselves, by setting their hands to this order in the Council Book, to the jurisdiction & privileges of the University, as well for the rating and setting a price of all kind of Victuals & of Candles, & all other necessaries comprehended under the term of *Focalia*; as for the correcting & punishing of all such inhabitants of the town, as shall break and exceed the said rate and prices, so set by the V. Chan. or such Officers of the University, as are in that behalf authorized.

About setting the price of *Victualia*, of candles in particular.

And it is further order'd, that all the parties, fined by the V. Chancellor, shall pay the fines; & such charges of the court, as was set upon them by the V. Chan.; & shall make public confession in the V. Chan^r^. Court of their fault in breaking the said rates & prices so set, & refusing to pay the fines assessed upon them, & questioning the privileges of the University. And as touching the discontinuing of any of the persons in this order mentioned: It is order'd that peace & agreement shall be settled between both parties, according to performance of that respect & submission, which is due from the inhabitants of the said town of Cambridge to the said University.

Ex. Wil. Becher.

From Tabor, f. 716.

At the Court at Whitehall, Dec. 18, 1669.

Present,

THE KING'S MOST EXCELLENT MAJESTY.

His R. Highness the Duke of Yorke.
His R. Highness Pr. Rupert.

La. Archbp. of Cant.	La. Hatton.
Ea. of Sandwich.	Ld. Ashly.
Ea. of Craven.	Mr. Secr. Trevor.
Duke of Ormond.	Ea. of Bridgwater.
Ld. Chamberlain.	Ea. of Carlisle.
Ld. Berkley.	Ld. Arlington.
Mr. V. Chamberlain.	Ld. Gr. Chamberlain.
Ld. Keeper.	Ld. Newport.
Ea. of Bath.	Mr. Treasurer.
Ld. Bp. of London.	Sr. John Duncomb.
Ea. of Ossery.	

That the Heads prick for Beadles.

See an Interpretation of Stats. 30 & 40 to this purpose, in Tabor, f. 668.

Whereas Mr. Worts, Mr. of Arts, & Fellow of Caius Coll. in the University of Cambridge, did by his Petition complain to his Majesty in Councill, that being chosen to succeed Francis Hughes, deceased, in the place of Esqr. Bedell, according to the Statute in that behalf, he was refused admission by Dr. Baldero, their V. Chan. & therefore praying releif; his Majesty was graciously pleased, by Order of the 17th. of Nov. last past, to summon the said Dr. Baldero, & all other partys concerned, to appear, & set forth the merits of the said cause before the Board: And the par-

tys accordingly meeting with councill learned on either side, it appeared that, upon the decease of the said Francis Hughes, two persons were nominated by the V. Chan. & other the heads of Houses, who being proposed to the congregation, that one of them M^r^. John Peck, Fellow of St. John's College, had more votes than the other; & was consequently admitted into the Esqr. Bedells place. And notwithstanding it was alledged, that the petitioner, M^r^. Worts, had many more voices in the Congregation than any of the others; yet having not been nominated to the said place by the Heads of Houses, according to the antient custom, & constant usage ever since the making the statute in this behalf; his Majesty was pleased to declare his Election void. And for the final settlement of this & the like Elections in the future; he was pleased to order, & it is hereby order'd accordingly, that the nomination of the persons for the Esqr. Bedells place, shall always remain in the Heads of Houses for the time being, & the Election only in the whole Senate of the University: which Election is to be out of the persons so nominated by the Heads of Houses, & no others. And it is further order'd, that the said John Peck be continued in the execution of his charge.

ROBERT SOUTHWELL.

From Mr. Mason's Book, f. 50.

At the Court at Hampton Court, Jul. 25, 1728.

Present,

THE KING'S MOST EXCELLENT MAJESTY.

Archbp. of Cant.	Visc. Townshend.
M^r^. Chan. of the Exchеq.	Ea. of Portmore.
Ea. of Hallifax.	Ea. of Ilay.
Ea. of Grantham.	Ea. of Uxbridge.
L^d^. Steward.	Ea. of Scarborough.
L^d^. Chamberlain.	L^d^. President.
D. of Newcastle.	L. ten. Gen. of the Ord.
L^d^. Chancellor.	Visc. Torrington.
L^d^. Cheif Justice Eyre.	L^d^. Finch Compt^r^.

Mr. Treas. of the Household. Hen. Pelham, Esq.

The Election of Mr. Bacon confirmed.

Upon reading this day at the board a Report from the Lords of the Committee of his Majesty's most honourable P. Councill, dated the 16th. of this Instant, in the words following, viz.

> In obedience to your Majestie's Orders in Councill of the 19th. of last month, referring unto this Committee, the humble petition of the several Heads of Colleges, Doctors, & Masters of the University of Camb., whose names are thereto subscribed; & likewise the humble petition of Jo^n^. Bacon, of Camb. in the county of Camb.
>
> Their Lordships this day took the said petitions into consideration, which set forth, that on Wednes-

day the 12th. of June last the said Jon. Bacon was duly chosen a Vintner for the said University of Camb. by a majority of legall & statutable votes; but that notwithstanding the said choice, Dr. Lambert the V. Chan. had ordered Tho. Whitstones to be declared duly elected vintner of the said University, to the manifest prejudice of the rights & privileges of the members of the said University: & therefore they prayed such releif in the premises, as to your Majesty's royall justice & wisdom should seem meet. And their Lordships, having thereupon heard the petitioners by their councill learned in the Law, & also councill in behalf of Dr. Lambert the V. Chan., & the said Tho. Whitstones: & having consider'd of the several Statutes & Graces made by the said University of Cambridge, for the better regulating of Elections in the said University, do find that in the year 1698, the following Grace was unanimously made by that University, viz. *cum ortæ sæpius ob controversum suffragiorum jus*, &c.

And it being admitted on both sides, that if the said Grace was to be regarded as valid, & ought to have been observed at the said Election of a Vintner, the Majority of votes would fall upon Mr. Bacon; their Lordships proceeded to a particular consideration of the said Grace: & upon hearing what was alledged on all sides, their Lordships do agree, humbly to report, as their opinion, that the said Grace is very just & reasonable, & ought to have been regarded as good & valid; & that the said V. Chan. pursuant thereto, ought to have order'd the said Jon. Bacon to be declared duly elected; & to have affixed the University seal to the appointment of the said Jon. Bacon, to be a vintner of the said University in such manner as is usuall on the like occasions.

His Majesty in Council, taking the said report into consideration, was pleased to approve & confirm the same; & to order, as it is hereby order'd, that Dr. Lambert V. Chan. of the University of Camb. do cause the said Jon. Bacon to be declared duly elected vintner of the said University, & the University seal to be affixed to an appointment of the said Jon. Bacon, to be vintner of the said University in such manner as hath been usuall on the like occasions.

EDWARD SOUTHWELL.

From Gr. Book, An. 1728.

The Mayor's Submission for releasing the V. Chan's. prisoners.

WHEREAS I Edward Chapman, Mayor of the town of Camb. did upon the 26th of Feb. 1660, by error send my warrant for releasing of Wm. Land, Jon. Devole, & James Delamot out of the Tolbooth Goale, to which they had been committed by the then V. Chan. Dr. Fern: I therefore, in satisfaction to the University, hereby acknowlege the error, & do promise not to do, or to my power sufferr any thing hereafter to be done, that may any ways infringe the Liberties or Privileges of this University to my knowledge.

In witness whereof, I have set my hand this 2d day of March, in the year of our Lord 1660.

EDW. CHAPMAN.

From Tabor, f. 730.

Extract from the 4th Vol. of Hare.

1. *Chartæ et Concessiones Burgi Cantebrigiæ, concessæ per ipsum Regem et Consilium suum in Parliamento An. 15°. Hen. 6ti. et per Edw. 4ti. et Hen. 8vi. confirmatæ.*

A. D.

1201. JOHANNES Rex———Sciatis nos concessisse Burgensibus nostris de Cantebrigiâ Gildam Mercatorum; et quod nullus eorum placitet extra Muros Burgi de Cantebrigiâ de ullo Placito præter Placita de Tenuris exterioribus, exceptis Monetariis et Ministris nostris.———Et quod quicunq. petierint Burgum de Cantebrigiâ cum Mercato suo, de quocunq. Loco sint, sive extranei sive alii, veniant, morentur, et redeant in salva Pace nostrâ reddendo rectas Consuetudines——et quod hæc omnia hæreditariè habeant.

1207. Johannes Rex———Sciatis nos concessisse Burgensibus nostris de Cantebrigiâ Villam Cantebrigiæ cum omnibus Pertinentiis suis, habendam et tenendam in perpetuum.———Reddendo inde annuatim ad Saccarium nostrum antiquam Firmam, viz. 40 Libras albas, et 20 Libras numero de Incremento.——— Et quod faciant de seipsis Præpositum quem voluerint, et quando voluerint.

An. 1381, for an Outrage done to the University, the Town lost all their Charters; & to have them again, consented to pay the Crown 105 Marks, or 70lb per An. for ever.

1256. Henricus 3tius. Rex——sciatis nos concessisse Burgensibus nostris de Cantebrigia, quod ipsi in Perpetuum Habeant Returnum omnium Brevium nostrorum villam nostram Cantebrigiæ et Libertatem ejus-

A. D.

dem tangentium: Et quod per Manus proprias respondere possint ad Saccarium nostrum de omnibus Demandis et Summonitionibus ejusdem Saccarii ipsos pertingentibus.———Et Quod iidem Burgenses eligere possint et creare Coronatores in Villâ prædictâ ad Attachiamenta Placitorum Coronæ nostræ infra dictam Villam emergentium facienda.

1314. Edvardus 2^dus^. Rex———concessimus Burgensibus Cantebrigiæ, quod Terras et Tenementa sua infra Burgum et Suburbium ejusdem existentia tanquam Catalla sua in ultimâ voluntate sua legare possint cuicunq. voluerint.———Et quod de Transgressionibus seu Contractibus in eisdem Burgo et Suburbio factis non placitent nec implacitentur extra Burgum illum: nisi res ipsa tangat nos vel Hæredes nostros: Et quod super Transgressionibus et Contractibus illis aut aliis Factis intrinsecis per forinsecos minimè convincantur, sed solummodo per Comburgenses suos; nisi Factum illud tangat nos, vel Hæredes nostros, aut Communitatem Burgi prædicti. Ita tamen, quod Magistris et Scholaribus Universitatis ejusdem Villæ super aliquibus Libertatibus, eis per Progenitores nostros quondam Reges Angliæ concessis, per Concessiones nostras supradictas nullatenùs præjudicetur.

1385. Richardus 2^dus^. Rex———Sciatis quod———nos concessimus Burgensibus Villæ Cantebrigiæ omnia Fines, Redemptiones, et Amerciamenta omnium Hominum infra eandem villam residentium, vel quæ Occasione alicujus Placiti, vel Transgressionis, Contractûs, seu Querelæ alterius Rei in eâdem coram Justiciariis, aut aliis Ministris nostris quibuscunq. amerciari vel forisfieri contigerit. Et quod habeant omnimoda Catalla Felonum, et Fugitivorum, ac Utlagatorum de omnibus, tam de tenentibus et residentibus infra Villam et Libertatem suam, quam de

A. D.

extraneis et aliis quibuscunq. quæ infra Villam et Libertatem prædictas inveniri contigerit;———Salvis Universitati Cantebrigiæ Finibus, Forisfacturis, Amerciamentis, et aliis Proficuis, ac Libertatibus, et Privilegiis quibuscunq. eis per nos seu Progenitores nostros concessis;———Salvis etiam et exceptis hujusmodi Finibus, Redemptionibus, &c. in Casibus quando Scholares dictæ Universitatis, vel Servientes sui Partes existunt.

1393. Richardus 2^dus^. Rex———Volumus et concedimus,———Quod, quotiès Burgenses Fines, Redemptiones, Amerciamenta, Exitus, et Catalla infra Villam et Libertatem Cantebrigiæ emergentia Virtute Chartæ nostræ clamaverint, Cancellarius Universitatis Cantebrigiæ vel ejus Vices Gerens, ad id requisitus, absq. aliquâ Difficultate certificet, utrum Scholares vel Servientes eorum in hujusmodi Finibus, &c. Partes fuerint necne.

2. A. D. 1299. Moris et Consuetudinis Villæ Cantebrigiæ talis fuit, quod Mulieres post Mortem Virorum suorum habere deberent Medium omnium Catallorum eorundem.

3. Literæ Rich. 2^di^. A. D. 1381. Quod Johan. Marchall de Cantebrigia, qui in Majorem Villæ pro Anno futuro electus erat, ab Officio suo, utpote minus sufficiens, amoveatur, et alia Persona idonea et discreta in Locum ejus eligatur. Which was done accordingly.

4. Hen. the 6th. A. D. 1454, granted the Town a Garden, lying between Trinity Hall on the South, & Garret Hostle on the North, & abutting on Mylne-street on the East, & Kings Ditch on the West, for an high Way to the River Ree.

A. D.

5. Queen Mary, A. D. 1555, granted the Town an Annuity of £8:15s:2d. arising from certain Shops & Booths in Sturbridge Fair, & appropriated by Edw. the 6th. to maintain certain anniversary Dirges, for the use of the poor.

1589. 6. Concessio Eliz. Reginæ, quod Major et Burgenses Cantebrigiæ licitè possint de cætero tenere Feriam sive Nundinas apud Sturbridge et Barnewell annuatim a Festo sancti Bartholomæi per Spatium 36 Dierum, Modo quo ipsi retroactis Temporibus usi fuerunt, salvis Academiæ Privilegiis ibidem: Et quod liceat iisdem Ordinationes, Regulas, et Statuta quoad pacificam Gubernationem, Erectionem, Ordinationem, &c. Opellarum dictarum Nundinarum constituere et stabilire; modo Juri alicujus Burgensis, aut Privilegiis Universitatis, aut Statutis Regni non repugnant.

THE BLACK PARCHMENT BOOK.

IN THE V. CHAN'S. CUSTODY.

THIS book, tho very confused, was of great use before Mr. Hare made his collection; & stil 'tis valuable for some things not so easie to be met with elsewhere. The most useless part of it, & which is indeed ridiculous, I mean the Historiola or fable of King Gurguntius, is said to be written by one Nic. Cantelupe, Prior of Northampton, about the year 1440; & inserted into this book by Willm Buchenham, M^r^. of Gonvill & Caius, & V. Chan. A. D. 1509.

See the first Fol. of this book.

The Black Parchment Book of the University was *made, saies Parker, by Dr. Buchnam, Master of Gonvill Hall; V. Miscell Pap^r^. p. 43 in Bennet Library; where there is an account of the contents of the said book in Parker's hand. *Ibid.*

*About the year 1510. V. Gr. Bo. b.

An Index of such things in the Black Parchment Book, *as are not in the Index of Hare above, f.* 1.

1. A Table, shewing the Assize of Bread & Beer.
   V. Stat. Hen. 3^d^. 51.
2. The Statute of Pillory & Tumbrill, An. 51, Hen. 3^d^.
3. A Decree of the Court of Augmentations in Hen. 8th's^. time, for paying the Lady Margaret's Lecturer £13:6s:8*d.* per An. which used to be paid by the Abbot of Westm^r^. 'til that monastry was dissolved.

4. Another Decree of the said Court for paying the Lady Margaret's preacher 10^{li}. per An. which used to be paid by the said Abbot.
5. Another Decree of the said Court of Augmentations for the payment of 20*s*. per An. which used to be paid by the Prior of Barnwell to the University, on consideration of certain privileges granted him by the University in Midsummer fair.
6. A Latin Kalender, dated 1562: the same with those in the Proctor's Books.
7. Fees to be paid for Degrees, with the Beadles stipend from the University & the severall Colleges. These are the same as we have in Queen Elizabeth's first Statutes; except that there are no fees here for Degrees in Canon Law, as there are there.

See this in the 4th vol. of Hare. V. Lib. Jun. Proc. f. 162.

8. Literæ Edvardi sexti cum ejusdem Statutis. Ap. 8, 1549. f. 8.
9. Compositio de Electione Procuratorum. A.D. 1557. f. 15.
10. Injunctiones a Visitatoribus Edv. 6^{ti}. sancitæ. Jul. 2, 1549. f. 112—17.
11. Solutiones quarundam dubitationum Visitatoribus Edv. 6^{ti}. propositarum. Probably in the year 1552. f. 114—19.
12. Ordinationes Edv. 6^{ti}. de tollendis dubitationibus, ex statutis ejusdem ortis. f. 115—20.
13. Two Decrees by the V. Chan. & Heads, May 10th. 1552, fixing penaltys on Batch's & Sophs, who dont oppose in their course, & a third determining Inceptors to be seniors to all Batchelors f. 116—24.
14. De Electione Procuratorum—*Ex Libris Proc.* 28.
15. De Officio et potestate Procuratorum—*Ex Lib. Proc.* 29.
16. De Modo dandi voces in Electione Procuratorum. *ibid.* 29.

17. Privilegia Oppidi Cantab. An. 1mo. Rich. 2di. concessa. 29.

18. Statutum Academiæ, ut Missæ celebrentur pro Tho. Barowe Archidiacono Colcestr., qui eidem elargitus est 240lb. "Et quod nomina Regis Richardi 3tii. ac "præfati Tho. Barowe per Bedellos, singulas scho- "las visitantes, singulis Terminis coram Magistris "legentibus palàm et publicè recitentur. Et quod "Presbyter Parochialis Ecclesiæ B. Mariæ in pre- "cibus suis, singulis diebus Dominicis in perpe- "tuum publicè recommendabit devotis orationibus "Parochianorum ibidèm, prout moris est, animas "ejusdem Richardi, et Tho. Barowe. Et quod "singulis annis," inter alia aliis distribuenda ex dono prædicto, "dentur in memoriam quinque vulnerum "Dñi nostri quinque pauperibus, cuilibet eorum "unus denarius." Dat. 1494. 53.

19. Statutum de Visitatore Collegii Christi. 55.

20. Aliud Statutum de Modo istius Visitationis. 56.

21. An Indenture between the University & the Executors of Mr. Mere late Esq. Bedell concerning his houses given to the said University. In consideration of these the University is to provide a Sermon every Easter Week at Benett Church. The Preacher is to have 3s. 4d. the V. Chan. 6d. each Proctor 4d. &c. in all about 10s. This sermon the University is to provide on pain of 10s. to be levied on their Tenants by the Church-wardens of Bennet Parish. f. 69.

22. The Town's Charter, An. 31°. Eliz., for holding Sturbridge fair, salvis privilegiis Universitatis. 90.

23. A Decree of the Court of Augmentations, An. 36 Hen. 8vi. for the payment of the Annuity of 10lb. granted to the University by King Henry the 7th. for suffrages to be yearly paid for him and his Queen for ever. This used to be paid by the Abbot of Westminster, til the dissolution of that Monastry. 103.

24. A List of Lady Margaret's Preachers from the first foundation to year 1679. 113—118.

25. An imperfect list of Lady Margaret's Professors beginning An. 1651. 118.

26. Indultum Urbani 5ti. quod legentes et studentes in Universitate Cantabrigiæ Beneficia sua ecclesiastica per triennium retineant, etiamsi in iis non resideant: non obstantibus Statutis quibuscunq.: etiam si quis juramentum præstitit, vel in posterum præstabit de iisdem Statutis observandis, et non impetrandis Literis Apostolicis contra ea, et ipsis Literis non utendo, etiam ab alio impetratis. 128.

27. Breve Cardanalis Pilei de Indulto quodam Urbani 6ti. This indulgence is to the same effect as the former, & to last for other three years. 129.

28. Pars supplicationis Academiæ ad Urbanum Septimum pro non-Residentia Curatorum in Decennium. 130.

29. Instrumentum publicum sub manu et sigillo notarii publici, de submissione Majoris ad Procan. facta, et ejusdem absolutione per eundem Procan. An. 1524. This Instrument was fixed up publickly in the Schooles.—*See Hare, vol.* 3a. *f.* 64. 134.

30. The cry in Sturbridge Fair & in the Town much he same with those in the Proctor's Books. 147.

31. A Table of Fees for Degrees.—*See Lib. Jun. Proc. f.* 27. 150.

32. A Mem. May 31, 1655, that 30s. contributed by the University for repairing the Bells of Bennet Church, which the University then used, to call to Acts & Congregations, was a free gift, & no due, signed by the Church Wardens of Benet parish.

STATUTA REGINÆ ELIZABETHÆ.

ELIZABETHA Dei Gratia Angliæ, Franciæ et Hiberniæ Regina, Fidei Defensor, &c. dilectis Nobis Cancellario, Magistris, et Scholaribus Universitatis Cantabrigiensis Salutem. Quanta Rerum vestrarum Cura nos perpetùo sollicitat, dum Utilitati Academiæ vestræ studemus non tam [a]*Privilegia* a nostrâ Benignitate vobis concessa, quam Legum et [b]Statutorum vestrorum nova quædam Dispositio manifestè declarant: quorum altero Injuriis obsistere, quietèq. Studiis vestris incumbere, altero Concordiæ, rectæq. Reipublicæ vestræ Gubernationi consulere possitis. De illis abundè satis a nobis est prospectum: istud quidèm licet jamdìu a Nobis inchoatum esse non ignoramus, ac Leges intereà exercendas vobis dederimus, Usu tamèn atq. Experientiâ, optimâ efficaciq. Rerum Magistrâ, edocti animadvertimus, in illis aliqua esse Correctione digna. Rursus crescente Hominum Audaciâ, nimiâq. Licentiâ, aliquas novas prioribus esse duximus adjiciendas. Negotia etiam quæ de novo emerserunt, novo indigere Auxilio facile cernimus. Nunc vero cum ista omnia accuratè, ut speramus, sunt absoluta et perfecta, ea a vobis omnibus, cum eâ quâ decet Obedientiâ, atq. Animi Alacritate recipienda sunt. Leges igitùr ac Statuta hoc Libello conscripta, atq. summâ nostrâ regiâ Authoritate sancita, vobis in vestrum Commodum mitti-

[a] The Queen's 1st Charter given. An. 1561.
[b] The Queen's first Statutes given. An. 1559. V. Lib. Jun. Proc. f. 120.

mus ac promulgamus, diligentèrq. atq. fidelitèr a vobis observanda proponimus: Quod dum feceritis, illisq. ut oportet, ex animo parueritis, non solum a Deo Opt. Max. et a nobis Laudem et Præmium expectabitis, verum etiam unà cum Pietatis atq. optimarum Artium non modico Incremento omnes Gradus in Academiâ in pulcherrimum Ordinem adducetis: illiusq. Famæ ac Dignitati optimè prospicientes florentissimam efficietis. Ac tandem, (quod apud nos non minimi est Momenti) Exemplo vestro tanquam in omnium Oculis ac Mente positi, reliquum Populum nostrum ad consimilem Legum nostrarum Observationem, ac ad Pacem, Concordiam, veramq. Obedientiam trahetis, ac perducetis; digni regiò Favore, digni Virtutis, ac Literarum Præmio. Sed quoniam Exhortatio liberam excitat voluntatem, Mandátum Necessitatem facit; nec omnes Virtutis Amore, sed plures Pænæ Metu ad Leges custodiendas coguntur: omnibus igitur quibus Jurisdictio in hac Parte competit, maximeq. vobis, qui Potestatem publicam Academiæ exercetis, vel singulorum Collegiorum Gubernacula tenetis, mandamus, ut, et vos ipsi Statuta ista quatenùs ad vos pertineant, observetis, et a reliquis omnibus Diligentiam in iisdem observandis exigatis, illorumq. Executioni totis viribus incumbatis. Si vero (quod absit) Favore, Gratiâ, Lenitate vel Incuriâ vestrâ ea contemni, negligi, vel non observari contigerit; vos, quibus illorum Executio demandata est, quiq. aliorum Gubernationem suscepistis, hujus Transgressionis reos judicabimus; atq. a vobis exactam illius Rei Rationem exposemus. Dominus Jesus et voluntatem in vobis has Leges custodiendi, bonasq. Literas, Pietatemq. discendi, at Facultatem easdem ad ipsius Gloriam exercendi, et exequendi concedat. Datum apud Manerium nostrum de Reding 25°. Septemᵇ. Anno Regni nostri 12°. et Anno Christi 1570°. In cujus Rei Testimonium has Literas nostras, manu nostrâ signatas, magno Sigillo nostro Angliæ muniri fecimus, Die et Anno supradictis.

Under the broad seal: but not confirmed by act of Parliament, as most of our Charters are. An. Eliz. 13.

Leges sive Statuta Cantabrigiensis Academiæ.

DEUM timeto, Regem honorato, Virtutem colito, Disciplinis bonis Operam dato. Sed qui Reipublicæ vult Leges et Instituta proponere, non solum Laboris, verum etiam et Otii debet Rationem habere: Interest enim studiosorum Hominum, et literatorum nonnunquàm laxatos habere Animos, ut ad Studia contentiores veniant. Et quanquam literarius Labor re quidem verâ sit suavissimum Otium, tamen et Otium suum habet Negotium, et intermissionem propterea requirit. Itaq. Lectionibus et Disputationibus publicis Fines, Terminosq. ponamus.

De Terminorum Assignatione.

CAP. I.

PRIMUS Lectionum et Disputationum Dies erit a decimo Die Octobris usq. ad decimum sextum Decembris, secundus Terminus erit a tertio decimo Die Januarii ad decimum ante Pascha Diem. Undecimo post Pascha redentegrabuntur Disputationes et Lectiones publicæ usq. ad Diem Veneris Comitia sequentem. Terminus Vacationis erit a Die supradicto usq. ad decimum Octobris: In quo propter Intemperiem Cœli, et Pestis atq. Contagionis Pericula, nec publicæ Lectiones (præter regias) nec Disputationes sint in Academiæ Scholis, quæ Momentum aliquod ad Gradus adipiscendos adferant. Licebit tamen cuivis eo Tempore

suæ Exercitationis Causâ publicè quidvis prælegere, aut etiam Disputationem ibidèm instituere, Veniâ tamèn priùs a Cancellario Data.

De Baccalaureorum Inauguratione et Magnis Comitiis.

CAP. II.

SOLENNIS et annua sit Professio Baccalaureorum [a] Die Mercurii primam Dominicam Quadragessimæ præcedenti, et prorogetur ad Diem Jovis post quartam Dominicam ejusdem, quo Tempore omnes Quæstionistæ [b] antiquum et solitum Examen subibunt. Et magna Comitia, Cooptatio atq. Inauguratio cæterorum Ordinum primo Martis Julii: quo Temporei si Pestis obfuerit, aut alia gravior Causa fuerit, quo minùs solennes Ritus possunt peragi, in primum Diem Martis Octobris vel alium quemcunq. Diem differantur Judicio Cancellarii præscribendum.

[a] Ni pestis obtuerit. V. Lit. Car. 2di. An. 1666.

[b] V. Gratiam inf.

De Lectoribus publicis.

CAP. III.

QUI prælegerit Theologiam, Jus civile, Medicinam aut Mathematicam quaternis Diebus in Hebdomadâ ad minimum legat, nempè Lunæ, Martis, Mercurii, et Jovis. Quod si festus Dies intercurrat, in alio Die supplebit, ut omninò

quatuor Dierum Lectio præcisè observetur. Linguarum Professores, Philosophiæ, Dialecticæ, et Rhetorices eandem in legendo Formam observabunt: quod ni fecerint, regii Professores decem Solidis pro qualibet Lectione, quam omiserint, mulctentur. Et mulctæ quidem Lectorum Theologiæ, Hebraicæ et Græcæ Linguæ secundum Præscriptum Statuti Collegii Trinitatis in Usum dicti Collegii reddantur. Mulctæ duorum, Juris civilis, et Medicinæ per Vicecancellarium exigantur. Reliqui autem quatuor Ordinarii et publici Lectores pro qualibet Lectione, quam omiserint, solvent tres Solidos et quatuor Denarios. Et si quispiam prædictorum Lectorum Dies illos quatuor interpolatos sumere malit quàm continuos; sub Finem præcedentis Lectionis Auditores suos Intermissionis hujusmodi commonefaciat sub Pœnâ prædictâ.

De Temporibus Lectionum et Libris prælegendis.

CAP. IV.

TEMPORA Lectionum publicarum referuntur ad Judicium Vicecancellarii, qui pro Tempore fuerit, et Magistrorum Collegiorum. Theologicus Prælector tantùm sacras Literas doceat atq. profiteatur. Jurisconsultus Pandectas, Codicem, vel ecclesiastica Regni nostri Jura, quæ nos edituri sumus, et non alia prælegat. Philosophicus Lector Aristotelis Problemata, moralia, politica, Plinium vel Platonem publicè doceat. Medicinæ Lector Hippocratem, vel Galenum. Mathematicus Professor, si Cosmographiam docet, Melam, Plinium, Strabonem, aut Platonem enarret; si Arithmeticam, Tonstallum aut Cardanum, &c. si

Geometriam, Euclidem; si Astronomiam, Ptolomæum. Dialectices Professor Aristotelis Elenchos, aut Topica Ciceronis. Prælector Rhetorices Quintilianum, Hermogenem, aut aliquem alium Librum Oratoriarum Ciceronis. Quos omnes Libros vulgari Linguâ pro Captu et Intelligentiâ Auditorum explicabit, interpretabiturq. Græcæ Linguæ Professor Homerum, Isocratem, Demosthenem, Euripidem aut alium ex antiquioribus, et Artem una cum Proprietate Linguæ docebit. Lector Hebraicus non nisi ex Fontibus sacræ Scripturæ prælegat, simulq. Grammaticam Hebraicam, et Linguæ Proprietatem docebit. Omnes unius atq. ejusdem Scientiæ Lectiones una atq. eadem Horâ legant atq. concurrant.

De publicarum Lectionum Auditoribus.

CAP. V.

NULLUS Scholaris quocunq. Gradu et Nomine censeatur, sive Collegiorum Stipendiis sustentetur, sive suis Sumptibus alatur, ullam publicam Lectionem, ejus Professionis cui destinatus est, omittat: sed a Principio usq. ad Finem quietè et attentè eam audiat: nullaq. ejus Excusatio admittatur, nisi Infirmitatis, vel alterius urgentissimæ Necessitatis, priùs vel post intra Triduum per absentem a Lectione ultro alleganda, et per Procancellarium, vel Procuratores approbanda. Qui huic Ordinationi non paruerit, pro primâ vice Pretium Commeatûs unius Diei, pro secundâ, trium, pro tertiâ, unius Hebdomadæ, pro quartâ, duarum Hebdomadarum persolvat. Quod si alicujus Negligentia et Contumacia longius processerit pro Arbitrio Domini Procancellarii puniatur. Magister, Præses, aut Præ-

positus cujusq. Collegii hanc Mulctam ad Denuntiationem et Petitionem Cancellarii, ab eo qui peccaverit exigito, et persolvito, dividenda æqualiter inter Academiam, Procuratores, et Præcones. Atq. quo certiùs constet qui cuiq. Lectioni interesse teneantur, volumus, ut primarii Lectores omnium Collegiorum, ab aliquo Præconum Triduo ante Initium cujusq. Termini admoniti, Scedulam, Nomina singulorum Sociorum, Discipulorum, Pensionariorum, Sisatorum, Subsisatorum in suis Collegiis commorantium continentem, et quas Lectiones quilibet audire et frequentare debeat, intra tres Dies Procuratoribus, vel eorum alteri exhibeant. Quod si illi admoniti, non fecerint, sive Bedelli per Vices neglexerint, qui delinquit sex Solidorum et octo Denariorum Mulctam incurrat. Quinetiam ne quispiam in Fraudem prædicti Statuti et Ordinationis delinquens, impunè latere possit; Statuimus ut Decani cujusq. Collegii, aut si nullus sit ibi Decanus, tunc primarii Lectores, Monitores singulis Septimanis pro qualibet dictorum Auditorum classe (Artium Magistros, Legum, Musicæ, et Medicinæ Baccalaureos, et superiores Gradus excipimus) constituant. Qui iidem Monitores nisi singulis Diebus, quibus Professores legere contigerit, statìm finitâ Lectione Schedulam absentium, sero venientium, vel exeuntium, alteri Bedellorum in Scholis tradiderint, pro qualibet vice duodecim Denariis mulctentur. Porro ut Magistri Artium, Legum Baccalaurei, et qui V. inf. sunt superioris Gradûs suas etiam Lectiones diligentèr frequentent, Collegiorum Præpositi aut eorum Locum Tenentes sedulo providebunt.

De Ratione Studiorum, et quibus Modis ad altiores Gradus Dignitatis Juvenes promoventur.

CAP. VI.

PRIMUS Annus Rhetoricam docebit, secundus et tertius Dialecticam, quartus adjungat Philosophiam et Artium istarum Domi forisq. pro Ratione Temporis quisq. sit Auditor: In hoc Quadriennio bis quisq. disputato in publicis Scholis, bis respondeto in suo Grege. Quæ si perfecerit et post consuetum Examen dignus videatur, * post completum Quadriennium, et non antea, Baccalaureus esto. Ita tamen quod prius respondeat Quæstioni, et stet in Quadragessima More consueto usq. ad postremum Actum, et super his Cautionem realem exponat.

* V. inf.

De Baccalaureis Artium.

CAP. VII.

* They are excused residence by Interp. 1608. V. inf.

* HI Auditores assidui philosophicæ Lectionis, Astronomiæ, Perspectivæ, et Græcæ Linguæ sint: idq. quod inchoatum antea erat, sua Industria perficiant. Intererunt cunctis Magistrorum Artium Disputationibus, aperto Capite, nec abibunt inde nisi a Procuratoribus petitâ Veniâ. Baccalaureus quisq. ter respondebit Magistro objicienti; bis in sui Gregis Exercitatione respondebit; declamabitq.

semel. In his ubi [a]*justum trium Annorum Spatium* versatus fuerit, et hæc illum perfecisse constiterit, postquam solennitèr productus fuerit, cooptabitur in Magistrorum Ordinem. Jurabunt autem singuli Magistri Artium in Comitiis suis de Regentiâ suâ per Quinquennium retinendâ; et [b]Cursu Disputationum toto hoc Tempore servando; post quod Tempus non-Regentes erunt. Regentes autem in Artibus, qui ante hæc Statuta inaugurati sunt, Regentiam suam retinebunt ad Quinquennium a Tempore Inaugurationis suæ numerandum, et non ultra: et si Quinquennium illud jam elapsum sit, statim non-Regentes erunt.

[a] V. Gratiam de Bac. ad Bapt. inf. f. 104.

[b] This part of the Oath dispensed with, & a Caution of 40*s.* appointed. V. inf.

De Magistris Artium.

CAP. VIII.

MAGISTER Artium sedulus erit Theologiæ, atq. Hebraicæ Lectionis quotidianus Auditor: quibus Rebus Annorum septem dabit Operam: quo Spatio bis disputabit contra [a]*Theologiæ Baccalaureum*: semel post quartum Annum respondebit in Theologiâ: concionabitur [b]Latinè semel et semel Anglicè in Academiæ Templo, et semel ad Crucem Divi Pauli infra Annum post Gradum Baccalaureatûs susceptum. Et, si hoc Tempore in Theologiâ profecerit; post completum Septennium, et non antea, per solennem Inaugurationem Baccalaureus fiat.

[a] Vel *in Artibus Magistrum.* V. Interp. inf. f. 153.

[b] In Die Cinerum si ita Dno Procan. videbitur. V. inf.

De illis qui ad Academiam 24 Annos nati accedunt.

CAP. IX.

QUI ad Academiam viginti quatuor Annos nati accedunt, et se Studio Theologiæ totos tradunt, si omnes hujusmodi *Exercitationes coluerint, quæ ad Magistros Artium ad Theologiam conversos spectant, post Decennium, ad Gradum Baccalaureatûs Theologiæ accedere poterunt, sine ullo in Artibus Gradu suscepto: Ita tamèn, ut Officiariis pro inferioribus Gradibus, More ab Academiâ recepto, satisfaciant.

* Mr. Chilcot perform'd this exercise *ad assignationem Dni Procan. Gr. B. Jun.* 1731.

De Baccalaureis Theologiæ.

CAP. X.

THEOLOGIÆ Baccalaureus Theologicam Lectionem audiat quotidiè: in Quæstionibus theologicis bis opponat; semel respondebit, idq. Doctori, si commodè fieri poterit: Latinè semel, Anglicè semel concionabitur in Academiæ Templo; *et semel ad Crucem Divi Pauli, infra Annum a Gradu suscepto. Quinquennium post Bacculaureatum susceptum in Theologiâ progressus poterit vocari in Ordinem Doctorum. Si quis, cupiens cooptari in Ordinem Baccalaureorum, aut Doctorum Theologiæ, non responderit, nec opposuerit secundum Ordinem supra præscriptum in iis-

*Si *legitimè vocatus fuerit, et justâ causâ non impediatur.* V. inf.

dem Statutis, is Nihilominùs poterit Baccalaureus fieri, si semel Doctori responderit; et publicè unam Concionem ad Clerum, et alteram ad Populum habuerit; et infra Annum post Gradum susceptum, unam ad Crucem Divi Pauli: et post Baccalaureatum idem poterit esse Doctor, si semel Doctori responderit, et unam Concionem ad Clerum habuerit in Academiæ Templo ante ejus Admissionem, et [a] alteram ad Crucem Divi Pauli infra Annum sequentem; modo Quinquennium compleverit post Gradum Baccalaureatûs.

[a] Ut supra.

De Doctoribus Theologiæ.

CAP. XI.

POST tantum Laboris susceptum et tot Pericula, atq. Examina, [a] nolumus plus Laboris Doctoribus imponere, quàm ipsi volunt suâ Sponte suscipere; nisi quod semel infra Annum suscepti Gradûs, Quæstionem ipsi sibi proponent in publicis Scholis, cujus Ambigua et Dubitationes dum in utramq. Partem enucleaverint, definient, determinabuntq. sub Pœna quadraginta Solidorum Academiæ solvendorum.

[a] Concionari tenentur Doctores certis diebus. V. inf.

De Legum Studiosis.

CAP. XII.

QUI a primo in Academium Adventu Legibus Operam dabit, primum Annum integrum Institutionum Lectioni

Domi suæ impendat: Deindè Quinquennium totum publicum Juris Professorem audiat; respondebit publicè semèl Professori, aut alicui Doctori ejusdem Facultatis, antequam fiat Baccalaureus Juris. Qui fuit ante Baccalaureus Artium quatuor Annorum Studio Juris poterit esse Baccalaureus, si Ordine præscripto responderit.

He must reside too the major part of 9 terms. V. inf.

De Legum Baccalaureis.

CAP. XIII.

HIC etiam Regium in Jure Professorem audiat Quinquennium: respondebit hoc Tempore bìs in suis Scholis; opponet semel, et cooptabitur Doctor. Magister Artium Septennium dans Operam Legibus, et cæteris perfunctis, quæ hîc requiruntur, poterit cooptari inter Legum Doctores.

De Legum Doctoribus.

CAP. XIV.

DOCTOR Legum mox a Doctoratu dabit Operam Legibus Angliæ, ut non sit imperitus earum Legum quas habet sua Patria; et Differentias exteri patriiq. Juris noscat.

De Studiosis Medicinæ.

CAP. XV.

MEDICINÆ studiosus sex Annos Rem Medicam discet ejus Lectionis Auditor assiduus; Anatomias duas videat; *bis respondeat*, semel opponat antequàm Baccalaureus fiat.

He must keep 9 terms. V. inf. f. 224.

One Act dispensed with. V. Lit. Reg. inf.

De Studiosis Chirurgiæ.

CAP. XVI.

CHIRURGIÆ studiosus duas Anatomias faciat, tres ad minimum Curationes se fecisse probet, antequàm admittatur ad Praxin Chirurgiæ.

De Baccalaureis Medicinæ.

CAP. XVII.

BACCALAUREUS Medicinæ respondebit bis, semelq. opponet, Anatomias tres, aut ad minimum duas videbit: et tunc post Quinquennium a Gradu Bacculaureatûs suscepto, admitti poterit ad Doctoratum in Medicinâ.

No dispensation in time or exercise to be allowed in any Degree in Physick. V. Gr. inf. f. 141.

De Doctoribus Med. incorporandis. V. inf.

De Doctoribus Medicinæ.

CAP. XVIII.

POST sollennem Disputationem et Inaugurationem suam medicari licitè poterit in omni medicandi Genere. Magister Artium Septennium Rei Medicæ dans Operam, postquàm bis Doctori in eadem Facultate responderit, semèlq. opposuerit publicè, poterit fieri Doctor Medicinæ.

De Modis approbandi eos qui Gradum Magisterii in Artibus suscepturi sunt.

CAP. XIX.

OMNIS cooptandus in Ordinem Magistrorum Artium sive alicujus Collegii, sive propriis Sumptibus alatur, primum approbetur a Præposito, et Majore Parte Sociorum Collegii, cujus est, vel a Præposito et majore Parte seniorum, juxta singulorum Collegiorum Statuta, et Consuetudines. Et Collegii Nomine, ab uno ex eodem Collegio, aut ordinario Lectore Facultatis, sistetur in Congregatione coram Cancellario: tunc coram exponatur et de Libro Statutorum clarè legatur, quid Leges Academiæ requirant ab eo, qui in illum Ordinem quem petit, cooptari debet: Quæ si perfecerit, et visitaverit Doctores, et Magistros Regentes, aut debitam Industriam, ut eos visitaret, præstiterit; modò majorem Partem præsentium Regentium de Scientiâ et Cre-

dulitate habuerit, secundum Morem Scholarium in Scrutinio Admittatur: nisi quisquam Sponsionem facere velit, et infra octo Dies probet eum propter Imperitiam indignum, aut vitiosos Mores infamem, aut non perfecisse quæ Leges requirunt. In dicto autem Scrutinio stabunt Procancellarius et Procuratores.

De Ceremoniis in Gradibus conferendis.

CAP. XX.

CEREMONIÆ in Gradibus conferendis eædem sint, quæ antea fuerant, secundum antiquum Academiæ Morem. Qui in aliquâ Congregatione Procancellario aliquem pro aliquo Gradu suscipiendo repræsentat; consuetâ Verborum Formâ utatur. Procancellarius Baccalaureum Theologiæ admittens, his Verbis utatur: 'admittimus te ad enarrandum omnes Apostolicas Epistolas, in Nomine Patris, &c.' Doctorem autem admittens, ita dicet, 'admittimus te ad interpretandum et profitendum universam sacram Scripturam, tam veteris quam novi Testamenti. In Nomine Patris, &c.'

De Gratiis concedendis.

CAP. XXI.

[a]NULLA Gratia pro Gradu aliquo suscipiendo extra Terminum omninò vel petatur vel concedatur: nec etiam infra Terminum, nisi subsequentibus Modo et Formâ: viz.

[a] Noblemen's Graces excepted. V. Interp. inf.

De Gratiis rejectis. V. inf. f. 146. V. Grat. inf.

ut primùm approbetur a Præposito et majore Parte Sociorum Collegii sui, vel a Præposito et Majore Parte Seniorum; et a Magistro, seu illius Vicem gerente, vel a Lectore publico ejus Collegii subscribatur: nec plures proponant Terminos * in quibus studuerint in Academiâ, Oppositiones, Responsiones, aut alia scholastica Exercitia, quam Rei fert Veritas; alitèr, ipsa Gratia nulla sit. Et qui falsæ Petitioni subscripserit, Voce sua in Senatu per Biennium sit ipso Facto privatus, et inhabilis etiam ad aliquod Officium et Munus gerendum infra Academiam per idem Tempus. Deinde in plenâ Congregatione Regentium et non-Regentium Senior Procurator illas Gratias publicè recitabit, quæ a Cancellario et reliquis pro Capite illius Anni designatis seu in illorum Loco surrogatis, approbatæ fuerint: et sequenti Congregatione, vel Concursu ejusdem Congregationis continuatæ, illæ ipsæ Gratiæ in Domo non-Regentium primum a Seniore Scrutatore iterùm publicè legentur: ac statìm duo Scrutatores cum Seniore non Regente tunc præsente in Scrutinio stabunt, ac Vota aliorum per hæc Verba '*Placet*' vel '*non Placet*' et non aliter accipient, et ea Scriptis mandabunt, Præcone primum '*ad Scrutinium*' proclamante; quod similiter secundò et tertiò (Modico interjecto Intervallo) faciet. Et si post trinam illam Monitionem a voce dandâ cessatum fuerit; Senior Scrutator (collatis prius Suffragiis) publicè pronuntiabit pro Majore Parte suffragantium '*placet iis*' vel '*non placet iis.*' Quam Formam Observabunt etiam in Domo Regentium; Senior Procurator in legendo et pronuntiando, Procancellarius et duo Procuratores in Suffragiis accipiendis, et Præco ad Scrutinium vocando; et reliqui Regentes in Vocibus suis dandis. Eâ vero Observatione omissâ inanes et irritæ sint Gratiæ. Hinc autem excipimus Gradum Baccalaureatûs Artium, qui antiquum Modum petendi retinebit. Decernimus [a] ut nulla Gratia, quæ proponetur in Scholis, Dispensationem habeat quamcunq. et si secus fiat, Gratiam illam irritam et inanem esse volumus. Nec ulli concedatur Gratia, ut ejus

* Batch[s] of Arts are not bound to residence here. V. Interp. inf.

[a] Except for non-Gremials after your first Degree, & then to be first subscribed by a

admissio stet ei pro completis Gradu et Formâ, sub Pœna Perjurii Procancellarii, et eorum qui fuerint in Capite ; nisi sint regiæ Majestati a Secretis, aut Episcopi, [b] aut nobiles, aut Nobilium Filii.

majority of the Heads & Dns. of Faculty. V. Interp. inf.

b These words are extended to all Honourable Personages & their Heirs apparent. V. Interp. inf. And also to Baronets & Knights. V. Lit. Reg. inf.

De Disputationibus Sophistarum.

CAP. XXII.

ORDO Disputationum hic est. Inter Sophistas Veterrimus se responsorem exhibebit, et Ordine sequentur alii juniores ad finem illius Anni. Primus Dies Termini erit decimus Octobris : non respondebit, nisi qui secundum Annum expleverit. Tres principes Quæstiones proponat, unam in Mathematicicis, alteram in Dialecticis, tertiam in Philosophicis naturalibus aut moralibus ; quas Triduo ante affiget Valvis Scholæ suæ. Cæteri contra disputanto. Ubi Responsor hæsitaverit, Moderator alter si possit nodum dissolvito. Tempora earum Disputationum erunt Diebus Lunæ, Martis, Mercurii, Jovis, et Veneris, a primâ post Meridiem ad tertiam. Scholæ Moderator per singulas Disputationes tres suo Arbitrio permittat, vetustatis ordine, argumenta Respondenti proponere præter principalem Disputatorem.

Performance of this exercise required, & treats forbidden. inf.

De Moderatoribus. V. inf.

De Bacealaureorum Disputationibus.

CAP. XXIII.

Baccalaureorum Disputationes fient Die Veneris a nonâ ad undecimam ; si nulla tunc Magistrorum Disputatio sit ;

tunc enim fient ab Horâ prima ejusdem Diei usq. ad tertiam. Respondebit non nisi Baccalaureus secundi Anni. Incipiat Veterrimus, et Ordine reliqui sequentur. Contra disputabit unus suo Ordine, cui Scholæ Moderator adjunget quatuor aut plures pro suo Arbitrio in singulis Disputationibus, qui Argumenta Respondenti objiciant. [a] Qui cursum suum in Respondendo omiserit decem Solidis mulctetur, qui vero in opponendo cursum omiserit, tribus Solidis et quatior Denariis.

De Moderatoribus. V. inf. f. 134.

[a] The Penalty now for an Act is 20s. & for an Oppon. 10s. toties quoties. V. Lit. Reg. inf. et Stat. inf.

De Declamationibus Baccalaureorum.

CAP. XXIV.

BACCALAUREORUM Declamationes erunt Diebus Sabbati, ab Horâ octavâ ad nonam ante Meridiem. Primâ vero Hebdomadâ duo Ordine Baccalaurei unum Thema tractabunt, cujus contrariam Partem duo alii defendent Hebdomadâ sequenti, [b]sub Pæna quinq. Solidorum, si quis cursum suum omiserit.

[b] This Penalty now is 20s. toties quoties. V. Lit. Reg. inf.

De Magistrorum Artium Disputationibus.

CAP. XXV.

MAGISTRORUM Artium Disputationes erunt singulis Diebus Lunæ, Martis, Mercurii, Jovis, singulis Septimanis in Termino, nisi aliquis festus Dies intervenerit. Durabunt autem ab Horâ nona ante meridiem ad undecimam. Et sin-

guli Magistri Artium ad eas [a]cogentur, quoad quartum post Inaugurationem suam Annum expleverint: Post quod Tempus inter Theologos, Jurisconsultos, aut Medicos disputabunt. Inhibemus ne duo Magistri eodem Tempore disputent, aut duo Baccalaurei respondeant, nisi alter eorum variaverit. Magistri Artium primi Anni, quemadmodum in antiquis Statutis præcipitur, sic etiam nunc, bis disputabunt, priusquam ad aliorum cursum ventum sit.

[a] On pain of 40s. Vid. inf.

De Theologorum Disputationibus.

CAP. XXVI.

QUOLIBET secundo Die Jovis cujuslibet Termini fiat Disputatio in Theologiâ: in qua Disputatione duæ Theses Theologiæ per Dominum Procancellarium, regium in Theologia Professorem, ac unum Doctorem, vel Baccalaureum Theologiæ seniorem in Universitate præsentem approbandæ, tractabuntur ab Horâ prima post Meridiem ad Horam quartam ejusdem Diei. Respondebit* Baccalaureus in Theologiâ maximè senior; et sic deinceps cæteri ejusdem ordinis secundum senioritatem suam, et post eos omnes Magistri Artium postquàm quartum Annum a Gradu Magisterii suscepto compleverint (qui Medicinæ aut Juri civili per Statuta Collegiorum non destinantur, aut tenentur ad Disputationem Juris civilis aut Medicinæ) sive sint Socii Collegiorum, sive Pensionarii secundum Senioritatem suam in Academiâ. Si quis Cursum suum intermiserit, mulctabitur [a] viginti Solidis totiès quotiès: ita tamèn, ut nihilominùs idem cursum suum intermittens, ad proximam teneatur Disputationem theologicam, donec in propria Persona eandem præstiterit sub Pœna consimili. Opponentes erunt tres secundum Cursum et Or-

* Nisi sexagenarius sit. V. inf.

[a] The Penalty now for the first time is 40s. for the second 3lb. for the third &c after 5lb. toties quoties. V. Gr. inf.

[b] V. statutum proximè sequens.

dinem Collegiorum præscriptam [b] in his Statutis. Stet mulcta [b] ibidem præscripta, omni Excusatione sepositâ. Si quis tamen pro Gradu suo velit respondere, aut alio Die respondeat, aut Vicem commutet cum eo qui responderet: Ita ut proximo Die Jovis Disputabili, is qui prius respondisset Locum et Cursum occupet. Bedellis vero solitam pro singulis Disputationibus collectam reservavimus, ab aliis Oneribus Respondentes absolvimus; nisi pro Gradu respondeant; quo Tempore eosdem ad Ordinem et Statuta Collegiorum, in quibus degunt referrimus. Quod si quisquam propter aliquam causam rationabilem per Cancellarium, regium Professorem in Theologiâ, et Magistrum ac majorem Partem Sociorum Collegii sui approbandam, mutaverit Cursum suum, idem tamen arctetur ad Cursum suum servandum in propriâ suâ Personâ, cessante hujusmodi causâ similitèr approbandâ, eodem Termino aut proximo sub Pœnâ prædictâ. Quod si festus Dies intercesserit, proximo Die Jovis disputabili eadem Disputatio compleatur. Ad extremum Statuimus, quod hæc Disputatio progredietur ac descendet hoc Ordine, de Termino in Terminum et de Anno in Annum, donec omnes qui hoc Statuto astringuntur respondeant; tùnc vèro iterùm Disputatio incipiat a Senioribus, ut supra institutum est, et sic progrediatur de Tempore in Tempus.

De Ordine quo singula Collegia Opponentes et Disputatores suppeditabunt.

CAP. XXVII.

The present Cycle for these Opponents, &

PRIMO, Collegium Regium, unum. Deinde, Collegium Trinitatis, unum. Pòst, Collegium Divi Johannis, unum. Pòst, Collegium Christi, Petri, et Magdalenæ, unum. Pòst,

Collegium reginense, Pembrochiæ, et Cathariuæ, unum. Postremò, Collegiuu Jesu, Gonvilli et Caii, Corporis Christi et Claræ, uuum. Altero Die Collegium Trinitatis inchoabit, et ita Circulo, quoad quodq. Collegium primum sit et postremum. Singulis vero Disputationibus, tres ab his Collegiis, aut Collegiorum Copulationibus Replicatores et Disputatores adsint. Magistri Artium replicabunt, eo Ordine quo fuerint inaugurati in Academiâ. Si quis neglexerit, mulctetur [a] sex Solidis, eorum duobus Procuratoribus, duobus Respondenti, et totidem Præconibus numerandis.

the morning Preachers. V. inf.

[a] The Penalty now is 10s. a time 'til the exercise be performed. V. Lit. Reg. inf.

De Jurisconsultorum Disputationibus.

CAP. XXVIII.

JURIS civilis Disputatio fiat * sexto Die Jovis in unoquoq. Termino, aut alio ad Assignationem Cancellarii. * Disputabit regius Prælector, aut Doctor aliquis ejus Facultatis. Respondebit qui pro Formâ Locum petit, aut ejus Defectu aliquis eorum qui Juri civili dant Operam, secundum Ordinem Senioritatis suæ. Quod si quis neglexerit mulctabitur viginti Solidis. Auditores vero duo regii Professoris in eadem Facultate juxta Senioritatem suam opponent, ubi vibebitur Prælectori aut Doctori disputanti sub Pœna sex Solidorum, quotiès quis deliquerit. Atq. ut certiùs in posterum de Senioritate constet : quilibet legum Bacalaureus omnibus Artium Magistris, qui Anno sequenti in eum Ordinem cooptantur, quoad disputandi Ordinem, Senior, Magistris autem Artium ejusdem vel superioris Anni Junior censeatur. Legum autem Baccalaurei, ne Senioritatis inter se Ignoratione disputandi Cursum impediant, Senioritatem pro Ordine Admissionis habeant. Responsores, et Disputatores sumentur

*V. Interp. inf.

* It seems to have been his business to open the Dispute with a Thesis, to which the Respondent replyed, as the Opponent did after to him, only syllogistically as now.

ex Aulâ Trinitatis, et aliis Collegiis de Numero illorum, qui Privilegiis Studii Juris civilis uti volunt, modo Doctores non sunt, sub Pœna ejusdem, quæ prædicitur, mulctæ. Hi duas ad minimum Horas in Disputatione permanebunt. Hæ Disputationes ut ritè, Ordine, et perpetuò fiant, Aula Trinitatis providebit, et Collegia eo Ordine, quem ante posuimus. Et si desiderabuntur Responsor aut Disputatores, eadem mulcta imponetur delinquentibus, quam ante nominavimus.

De Medicorum Disputationibus.

CAP. XXIX.

V. Interp. inf. MEDICINA Disputationem habebit nono Die Jovis in quoq. Termino, aut alio ad Voluntatem Procancellarii: disputabit Prælector regius, aut aliquis Doctor. Respondebit, qui pro formâ Locum petit, aut, ejus Defectu, aliquis eorum, qui Medicinæ dant Operam, secundum Ordinem Senioritatis suæ, sub Pœna viginti Solidorum quoties deliquerit. Et Auditores duo regii Professoris in eadem Facultate opponent juxta Senioritatem suam sub Pœnâ sex Solidorum.

De Facultatum omnium Disputationibus.

CAP. XXX.

DUÆ Theses vel Conclusiones omnium harum Disputationum octo Dies ante Diem destinatum Disputationi Scho-

larum publicarum Valvis, et Cathedræ disputantis a Respondente affigantur; et eodem Tempore ad Professores earundem Scientiarum, atque ad Procuratores et Præcones per respondentem adducantur, sub Mulcta duorum Solidorum eidem infligenda: Die vero sequenti Præcones easdem questiones adducent ad eos, qui sunt disputaturi sub eadem mulctâ.

De Determinatoribus singularum Disputationum.

CAP. XXXI.

REGIUS in Theologiâ Professor, et singularum Artium, atq. Facultatum Prælectores, singulis ejusdem Artis Disputationibus intererunt, præter Prælectorem Philosophiæ, *quem Baccalaureorum Disputationibus tantàm præesse volumus. De Argumentis judicabunt, et si quæ difficilia sunt, vel malè ab aliis dissoluta, ipsi dissolvent, atq. ad extremum, quid ipsis de singulis propositis † Disputationibus videatur, determinabunt, ac definient.

* V. Gr. inf.

† Al Quæstionibus.

De Disputationibus in Vesperiis et Die Comitiorum.

CAP. XXXII.

DISPUTATIO Theologica in Vesperiis Comitiorum erit sub Horâ octavâ antemeridianâ ad undecimam; in Die Comitiorum ab Horâ octavâ ad undecimam: Philosophica verò, in Vesperiis ab Horâ primâ usque ad tertiam; in Die Comi-

De hisce Disputationibus jam pleniùs provisum est. V. Gr. inf.

tiorum ab Horâ undecimâ usque ad secundam. Disputatio in Jure civili erit in Vesperiis ab Horâ tertia usq. ad quartam; in die Comitiorum ab Horâ secunda usq. ad tertiam. Disputatio in Medicinâ in Vesperiis erit ab Horâ quartâ usq. ad quintam; in Die Comitiorum ab Horâ tertia ad quartam. Si vero nulla sit in Vesperiis Disputatio theologica, tum Disputatio philosophica eodem Tempore erit, et Disputatio in Jure civili erit ab Horâ primâ ad tertiam, et Medicinæ Disputatio a tertia ad quintam. Procancellarius erit Moderator, et Determinator theologicæ Disputationis in Comitiis, si ita illi videbitur; sin minus, regius in Theologiâ Professor, aut alius Doctor a Procancellario assignandus. Baccalaurei Theologiæ, Juris civilis, et Medicinæ ejus Anni Comitiis, quo hos Gradus suscipiunt, vel unum ex seipsis communiter eligant, vel aliquem alium suo Sumptu provideant, qui in Die Comitiorum suâ in Arte respondeat. In omnibus Comitiis et Disputationibus publicis Academiæ, et privatis Collegiorum, nulla neq. Oratio neq. Quæstionum Explicatio de Libro scripto legatur: hoc si quis privatim violaverit, Domi a Magistratibus suis justâ Pœnâ coerceatur: sin publicè quinq. Solidis mulctetur, singulis Procuratoribus et Præconibus Academiæ singulis Solidis tribuendis: Proviso, quod hac Lege Theologi, Jurisconsulti, ac Medici non tenebuntur. Lector Theologiæ, Juris, Medicinæ regius semper Cathedram illius artis teneat, modo sit Doctor in illâ Facultate. Regius in Medicina Lector unam Anatomiam singulis Annis faciet, si Auditores hoc requirant, et Antomiæ Impensas pervenire velint.

De Electione Cancellarii.

CAP. XXXIII.

CANCELLARII Magistratus tàm diuturnus esto, quàm vetera Statuta, moresq. Academiæ permittebant: nimirum ad Biennium integrum; aut tamdiu, quam tacito Consensu Academiæ Cancellarius permittatur in eodem Officio manere. Intra quatuordecim Dies post Vacationem hujus muneris certò cognitam a Regentibus et non-Regentibus, ad hunc Modum novus Cancellarius eligatur. Præcones aut Viatores Academiæ, Procancellarii Jussu, Congregationem Regentium in Horam nonam subsequentis Diei vocabunt. Tunc autem Procancellarius et Procuratores, assumpto juniore Doctore Theologiæ qui tum in Academiâ fuerit, vel si nullus Theologiæ Doctor præsens in Academia fuerit, adhibito juniore Doctore Juris civilis aut Medicinæ, stabunt in Scrutinio, suisq. Suffragiis priùs in Scripto latis cæterorum præsentium Suffragia Scripta accipiant. Hæc omnia senior Procurator accepta palìm et sigillatìm leget, et ille, per Procancellarium Cancellarius electus renuntiabitur, cui plurimi suffragati fuerint. Confestìm autèm post Electionem Instrumentum Electionis ejus factum, Sigillo communi obsignabitur, et quam maturimè fieri poterit, illi tradetur.

De Electione Procancellarii.

CAP. XXXIV.

TERTIO Novembris, Horâ videlicet octavâ ante meridiem, Munus Procancellariatûs quotannis de Jure Vacabit, ac

Horâ nonâ proximè sequenti, in Domo Regentium convenient omnes Collegiorum Præpositi; ac statìm senior Gradu primùm, deinde singuli, Ordine suo, unum aliquem ad id Officium nominabunt, e quorum Numero dicti [a] Præpositi duos Punctis suis notabunt, quorum alter, et non alius eligatur in Procancellarium. Si vero de Majori Numero Præpositorum (non habitâ Ratione Numeri totius sed plurium) in signandis duobus, vel eorum altero in tribus Scrutiniis constare non possit: tunc ille ex his, qui paria habeant Suffragia, nominetur, in quem regius in Theologiâ Professor consenserit; et illos duos sic designatos, eodem Die is qui Gradu præest, seniori Procuratori publicandos Regentibus et non-Regentibus ante Electionem significabit, quos si senior Procurator sic publicari recusaverit, illum Officio Procuratoris ipso Facto privatum declaramus. Electio autem novi Procancellarii non ante viginti quatuor Horas post Vacationem, et omninò ante Horam quintam post Meridianam quinti Diei ejusdem Mensis fiat ad hanc Formam. Munere Procancellarii vacante, Præcones, Jussu Procuratorum, Congregationem Regentium, et non-Regentium in Horam nonam aut primam quarti Diei ejusdem Mensis Novembris vocabunt: Alioquin ipsi Præcones in Horam nonam aut primam illius quinti Diei, id sua Authoritate faciant. Tunc Procuratores, assumptis duobus senioribus Doctoribus in Academiâ præsentibus, aut horum Vice, si nulli in Academiâ fuerint, duobus senioribus in Theologia Baccalaureis, in Scrutinio stabunt, et conscripta sua ipsorum Suffragia primi ferent, ac deinceps omnium aliorum Regentium et non-Regentium Suffragia scripta accipient: Hæc senior Procurator apertè et separatim leget, et ille, ex duobus quos Præfecti Collegiorum nominaverint, et non alius, Procancellarius erit, quem major Pars Regentium et non-Regentium Suffragiis suis elegerit. Si vero hoc Officium Procancellariatûs infra Annum vacaverit, quàm proximè ad Formam suprascriptam, infra Triduum Vacationis cognitæ, novus eligetur.

[a] Vel eorum *Loca tenentes.* See Cecil's Letter 1572. Lib. xiv. num. P. 167.

De Electione Procuratorum.

CAP. XXXV.

VOLUMUS ut Collegia singulis Annis Procuratores futuri Anni ex non-Regentibus vel Regentibus tertii ad minimum suæ Regentiæ Anni nominent; et ut Ordinem inceptum et infrascriptum inviolabilitèr observent: atq. cum ad Calcem Ordinis perventum fuerit, rursus a Capite incipiant; et ita circularitèr in nominandis Procuratoribus juxta eundem Ordinem perpetuò procedatur. Quos sic nominatos, ante primum Augusti præfecti illorum Collegiorum, vel alii illorum Nomine Procancellario præsentabunt, eosdemq. sic præsentatos et nominatos, Regentes eligere omninò tenebuntur; nisi legitima Causa sive exceptio contra eosdem ante primum Octobris coram Procancellario allegata, et coram eodem et majori Parte Præpositorum Collegiorum infra quatuor Dies proximos probata, et approbata fuerit. Electio autem Procuratorum postridiè Dionisii erit, quo Tempore Procuratores, Taxatores, et Scrutatores Anni præteriti munere suo se abdicabunt; et confestim postquam illi ab hoc munere decesserint, sine ullâ Intermissione ad Electionem novorum procedatur, ad hunc Modum. Concellarius, duobus Magistris Artium Regentibus senioribus assumptis, in Scrutinio stabit, et illi suo ipsorum scripta Suffragia primi ferent; deinde omnium aliorum Regentium scripta Suffragia accipient; quæ senior Magister Artium apertè et separatim leget, illiq. Procuratores erunt quos major Pars præsentium Suffragiis suis elegerit. Procuratores electi Syngraphas Cancellario dabunt de solvendo [a] regio Vectigali, [b] reliquâq. Pecuniâ Seneschallo et Bedellis pendendâ pro Liberatione Academiæ; et de omnibus illis Rebus per Seneschallum

Vid. interp. inf.

[a] 10[lb]. per An. due to the crown *pro exitâ panis vini &c. V. Hare Vol.* 1. *f.* 210.

[b] Fees to the

Steward who holds the Leet, & to the yeoman Beadle.

Academiæ in Scripta redigendis in Pergameno, et Procancellario tradendis, quæ in duobus Letis Academiæ quotannis præsentantur. Et Cancellarius Syngraphas non reddet, donec Procuratores sufficientes acquitanceas in publicam Academiæ cistam intulerint.

The Cycle now in use takes in Magd. Eman. & Sidn. & was made by order of K. Ch. the 2d, V. Lit. Reg. inf. & Decr. Præf. inf.

Ordo secundum quem Collegia quotannis Procuratores nominabunt, inceptus An. Dni 1557, *quoad Taxatores vero* 1570.

1.	Col. Regal. Aul. Trin.	12.	Coll. Regin. Aul. Clar.	23.	Coll. Johan. Coll. Magd.	3.	Coll. Trin. Coll Christi.
2.	Coll. Trin. Dom. Petri.	13.	Col. Regal. Coll. Corp. Chris.	24.	Aul. Pemb. Coll. Jesu,	35.	Coll. Johan. Aul. Clar.
3.	Coll. Johan, Coll. Christi.	14.	Coll. Trin. Coll. Jesu.	25.	Coll. Regal. Coll. Regin.	36.	Aul. Pemb. Coll. Gonv. et Ca.
4.	Aul. Pemb. Aul. Clar.	15.	Coll. Johan. Dom. Petri.	26	Coll. Trin. Coll. Gonv. et Caii.	37.	Coll. Regal. Coll. Corp. Chris.
5.	Coll. Regal. Coll. Corp. Christ.	16.	Coll. Christi. Coll. Gonv. et Caii.	27.	Coll. Johan. Dom. Petri.	38.	Coll. Trin. Coll. Regin.
6.	Coll. Trin. Coll. Regin.	17.	Coll. Regal. Aul. Pemb.	28.	Coll. Christi. Aul. Clar.	39.	Coll. Johan. Coll. Jesu.
7.	Coll. Johan. Coll. Jesu.	18.	Coll. Trin. Aul. Cath.	29	Coll. Regal. Coll. Corp. Chris.	40.	Coll. Christi. Dom. Petri.
8.	Coll. Gonv. et Caii. Aul. Kath.	19.	Coll. Johan. Coll. Regin.	30.	Coll. Trin. Aul. Pemb.	41.	Coll. Regal. Aul. Cath.
9.	Col. Regal. Dom. Petri	20.	Coll. Christi. Dom. Petri.	31.	Coll. Johan. Coll. Jesu.	42.	Coll. Trin. Aul. Pemb.
10.	Coll. Trin. Col. Christi.	21.	Coll. Regal. Aul. Clar.	32.	Coll. Regin. Aul. Cath.	43.	Coll. Johan. Aul. Clar.
11.	Coll. Johan. Aul. Pemb.	22.	Coll. Trin. Coll. Corp. Chris.	33.	Coll. Regal. Dom. Petri.	44.	Coll. Regin. Coll. Gonv. et Cai.

Decernimus etiam quod quotiescunq. Officium Procuratoris infra Annum suscepti Officii, per Mortem, Cessionem, Resignationem, Deprivationem, Amotionem, seu alio Modo quocunq. vacare contigerit, Aula Trinitatis pro reliquâ Parte Anni Procuratorem nominabit, et præsentabit, ad Modum et Formam suprascriptam quàm proximè fieri potest, eligendum, nisi justa Causa, ut dictum est, impediat. Idem etiam observari volumus in omni hujusmodi Vacatione Taxatorum.

De Electione Scrutatorum.

CAP. XXXVI.

EODEM Die et Tempore quo Procuratores a Regenibus eliguntur, duo non-Regentes ad Officium Scrutatorum a non-Regentibus eligentur ad hanc Formam. Stabunt in Scrutinio, jurati per Cancellarium, duo Seniores Dootores non-Regentes, aut eorum Defectu, duo Baccalaurei in Theologiâ, aut in eorum Absentiâ duo seniores non-Regentes, qui sua et aliorum omnium non-Regentium Vota et Suffragia accipient, et senior electos per majorem Partem præsentium apertè pronunciet: qui, jurati per Cancellarium, Scrutatorum Officio per illum Annum gaudebunt.

The Scrutators are now nominated by the Colleges in course.
V. Dec. Præf. inf.
V. etiam Grat.

De Electione Edilium, sive Taxatorum.

CAP. XXXVII.

VOLUMUS etiam, ut Collegia bina Annis singulis duos Regentes vel non-Regentes nominent Taxatores futuri Anni eo

Ordine qui in nominandis Procuratoribus præscriptus est, incipiendo hoc Anno ab his Collegiis, quæ in primo Loco constituuntur, et eodem Ordine et Cursu progrediendo et recurrendo. Hos Præfecti Collegiorum seu alii eorum Vice Cancellario ante primum Septembris [a] præsentabunt, quos Regentes eligere omnino tenebuntur, et non alios, si nulla legitima Causa vel Exceptio impediat, ante primum Octobris Cancellario alleganda, et infra quatuor Dies proximos eodem et majori Parte Præfectorum Collegiorum probanda et approbanda. Electio autem fiet ad Formam sequentem: Postridie Dionisii, videlicet Horâ primâ post Meridiem, stabunt in Scrutinio Cancellarius et duo Procuratores, et sua primum Vota simûl, sed diversis tamèn Scriptis, de utroq. Taxatore ferent. Deindè omnium similiter Regentium scripta Suffragia accipient, ea senior Procurator apertè leget, et illi Taxatores erunt, quos major Pars præsentium elegerit.

[a] On Pain of forfeiting 10lb. to the Chest. V. Gr. inf.

De Præconum seu Viatorum Numero Officio et Electione.

CAP. XXXVIII.

TRES runt Præcones seu Viatores Armigeri, pari Loco, et Munere, et unus inferioris Loci Bedellus. Illorum vero trium si quando Munus vacaverit, Cancellarius curabit Congregationem Regentium et non-Regentium intra Triduum in Horam nonam subsequentis Diei vocandam. Tunc Cancellarius et Procuratores primò sua ipsorum Suffragia scripta ferent, deinde cæterorum omnium præsentium scripta Suffragia accipient; quibus palam et separatim per seniorem Procuratorem lectis, ille Præco renuntiabitur, quem major Pars suffragantium elegerit; quem Cancellarius Jurejurando astrictum ad hoc Munus admittet. Pecuniam autem aliquam

For *nomination* of Bedles, see Interp. of Stat. & order of Council 1669.

aut Munus aliquod neq. Cancellarius, neq. Procuratores, nec quisquam alius Regentium et non-Regentium, nec ante Electionem nec Post, pro Suffragio suo vel requirat, vel oblatum accipiat; sed eos ad hujusmodi Munera sine ulla Mercedis Expectatione, aut Acceptione eligent. Et si quis contra fecerit, perpetuò infamis, Jus Suffragii amittat. Et quanquam volumus *unumq.* Præconum aut Viatorum sic electum, et admissum, ad omne Tempus Vitæ suæ in hoc Officio permanere, nisi insignis aliqua Culpa Expulsionem et Ejectionem requirat: quo diligentiùs tamèn in Officio versentur iidem Præcones, aut Viatores, post Festum Sancti Michaelis, primâ illius Termini Congregatione, Baculos suos Cancellario tradant, qui cum Procuratoribus secretè in quodam Scrutinio a Regentibus et non-Regentibus et quæret, quemadmodum se gesserunt; num seduli ac diligentes Administri fuerunt: qui si sedulò et honestè Officium suum feciase judicabuntur, Cancellarius illis Baculos reddet, et illorum Integritatem ac Diligentiam laudabit, et ad similem Diligentiam et Integritatem hortabitur: at si quid ab illis per Negligentiam admissum fuisse quisquam Magistrorùm conquestus fuerit; aut si non fecisse Officium suum a quoquam Magistrorum Artium conquestum fuerit Cancellario, tum Cancellarius eos admonebit sui Muneris, aut alitèr pro Ratione Culpæ castigabit, atq. corriget. Sin vero quocunq. Tempore Quisquam illorum insignitèr negligens adversus Cancellarium, Procancellarium, aut Procuratores fuerit, et post alteram et tertiam Admonitionem corrigere sese noluerit; vel aliquod detestabile Flagitium perpetraverit, unde Academia in magnam Infamiam prolabatur; Cancellarius, advocatis sibi Procuratoribus, et Ædium Præfectis, cum Assensu majoris Partis eorum, eum Præconem munere suo dejiciat: et tum novus Præco ad Formam præscriptam eligetur. Præcones Armigeri tres æquale Stipendium, æqualem Mercedem accipient, ad equalem Diligentiam et Laborem devincti. Stipendium his et Merces proveniet, quemadmodum Decreto nostro, quid quisq. Gradus singulis Ministris solvat,

Unumquemq.

constituitur. Horum trium et Viatoris inferioris præterea Officium erit, quotidiè ac diligentèr Cancellario adesse, eiq. in omnibus quæ ad Munus Cancellariatûs, et ad illorum quoq. Officia spectabunt, inservire et diligentèr providere; ne, quando referat illos adesse, absentes aut extra conspectum sint. Singulis singularum Artium Disputationibus duo aut unus ad minimum ex illis semper intersit, si Disputator supra Gradum Baccalaurei sit, et Disputatorem Domo ad Scholas deducat, iterumq. a Scholis Domum reducat.

De Electione Custodum et Auditorum communis Cistæ sive Ærarii Publici.

CAP. XXXIX.

AB Universo Academiæ Senatu quotannis duo non-Regentes continuo post Electionem Procuratorum eligentur, ut sint publici Ærarii cum Cancellario et duobus Procuratoribus Custodes. Hi quinq. communis Cistæ quinq. diversas claves habeant. In qua Sigillum Academiæ, Pecunia, Vasa Aurea et argentea, et ornamenta alia Academiæ conservabuntur. Nihil sine Academiæ Consensu hoc Sigillo obsignabitur; nec Pecunia ulla, aut Vasa aurea vel argentea sine horum Notitiâ, et Assensu inde extrahentur. In cujuslibet Termini Exitu, in communem Cistam Procuratores referent quicquid Pecuniæ ad Academiæ Usum receptum, illorum in Manibus est. Item eodem Tempore tres alii Regentes aut non-Regentes eligentur, qui cum Procancellario Procuratorum, et aliorum Ministrorum Rationes audient, qui ad Pecuniam Academiæ vel accipiendam vel impendendam designati sunt. Quæ Rationes omnes non modo initæ, sed etiam confectæ erunt infra duodecim Dies post novorum Procuratorum Elec-

tionem, sub Pœnâ decem Librarum Academiæ persolvendarum ab eo qui fuit in Causâ, cur inita aut perfecta Ratio prius non fuit.

De Nominatione et Electione Lectorum, et reliquorum Officiariorum.

CAP. XL.

NOMINATIONES et Electiones Lectorum, Bedellorum, Stationariorum, Gageatorum, Vinopolarum, et aliorum Ministrorum, seu Officiariorum Academiæ quorumcunq. dè quibus aliter a Nobis non est provisum, sequentur Modum et Formam in Electione Procancellarii præscriptam; fientq. [a] *intra quatuordecim Dies post Vacationem*, nisi alitèr Statutis nostris aut Fundatione cautum sit. Quæ aliter factæ fuerint, ipso Jure nullæ sint et irritæ.

[a] There have been three notable Interpretations here; one for pricking of Members of Parliament V. Interp. inf.

De Capite in quavis Congregatione per Annum eligendo, et de ejus Authoritate.

CAP. XLI.

NE Caput negligere videamur dum de reliquo Corpore providemus, hac Lege cautum sit, ut Horâ primâ duodecimi Octobris post Meridiem conveniant in Domo Regentium Cancellarius, Collegiorum Præfecti, Doctores, Procura-

tores, et Scrutatores ad eligendos illos, qui propter Cognitionem, Gravitatem, atq. in Rebus gerendis Prudentiam et Fidem, Caput Senatus meritò appellari solent. Eo igitùr Tempore Cancellarius unum Theologum Doctorem, unum Jurisconsultum, Medicum unum, unum non-Regentem, et alterum Regentem nominatìm scribet: uterq. quoq. Procuratorum ex singulis illis Ordinibus similitèr unum alium nominabit: et ex his quindecim Præfecti Collegiorum, Doctores, et Scrutatores quinq. i. e. ex singulis Ordinibus et Facultatibus unum Punctis suis notabunt: et eos, in quos plures Numero præsentium consentiunt, licet majorem Partem non faciunt vel æquant (si Ratio habeatur totius Numeri) senior Procurator in proximæ Congregationis initio Regentibus et non-Regentibus significabit: eosdemq. cum Cancellario Caput totius Senatûs futuri Anni apertè et publicè pronuntiabit. Et si de aliquo uno illorum quinq. plures Numero, ut supradictum est, in primo, secundo, et tertio Scrutinio non convenerint; tunc ad Cancellarium, et duos Seniores Doctores tum præsentes, aut eorum Majorem Partem, quorum Cancellarius unus sit, Electio pro illâ Vice pertinebit. Si autem quisquam istorum forte abfuerit ab aliquâ Congregatione, illius Locum occupabit senior illius Facultatis tum præsens; et si talis non reperiatur, tum alius in alia Facultate Senior, præsens in Senatu illius Vicem eo Tempore geret, a Cancellario evocatus. Horum autem Authoritas est in omni Senatu, et Congregatione de omnibus Petitionibus priùs decernere, quàm ad reliquum Senatum deferantur: ita ut illæ Gratiæ solæ approbentur, et Regentibus et non-Regentibus proponantur, in quas singuli eorum consenserint, et non aliæ: et si quicquam in Senatu petatur, aut concedatur, quod non sit priùs istorum judicio et assensu comprobatum, nullum erit omninò et invalidum, nisi his nostris Statutis aliter cautum sit. Quicunq. fuerit ad Magistratum in Academia gerendum legitimis Suffragiis ascitus, ille Magistratum recipere non recusabit, aut tardabit; nisi justam Excusationis Causam attulerit, ab illis com-

probandam, quorum Suffragiis electus fuit. Illud autem omni Diligentiâ et Cautione observetur, ut in Procuratoribus et Taxatoribus, quemadmodum et in cæteris Magistratibus eligendis et nominandis, omnes, quorum interest imprimis elaborent, ut quos ætate, eruditione, gravitate, et prudentiâ cæteros anteire judicent, eos, sive Regentes sive non-Regentes sint, ad munus Academiæ suscipiendum eligant.

De Cancellarii Officio.

CAP. XLII.

CANCELLARIUS potestatem habebit ad omnes omnium scholasticorum, atq. etiam eorum famulorum controversias summariè et sine ulla juris solennitate, præter illam quam nos præscribemus secundum jus civile, et eorum privilegia et consuetudines, tum audiendas, tum dirimendas: ad congregationes graduatorum et scholasticorum convocandas; ad homines dignos gradibus scholasticis ornandos, qui omnia Munia scholastica his contenta statutis expleverint; et ad indignos rejiciendos ab iisdem et repellendos; ad omnes illorum violatores puniendos: ad providendum præterea, ut singuli Academiæ ministri in suo officio se contineant; ignavos, grassatores, rei suæ dissipatores, contumaces nec obedientes, suspensione graduum, carcere, aut alio leviori supplicio judicio suo castigandos. Non licebit tamen Cancellario aliquem scholarem exilio mulctare, aut aliquem pileatorum aut præfectorum collegiorum incarcerare absq. consensu majoris partis præfectorum Collegiorum. Regentes omnes et non-Regentes a principiis congregationum ad finem remanebunt, nisi impetratâ a Cancellario veniâ,

licentiam discedendi habeant, sub pæna duodecim denariorum quotiès peccaverint: singuli Regentes etiam et non-Regentes, qui in Academiâ maximè commorantur, et intra Ambitum Academiæ sunt, et vocati, ab abliquâ congregatione aut concione ad Clerum absunt, a Cancellario duobus solidis mulctentur; cujus Mulctæ dimidium inter Cancellarium et Procuratores æqualitèr dividetur, dimidium autem Academiæ assignetur. Quicquid statutis nostris Academiæ Cancellario faciendum attribuitur, in ejus Absentiâ hoc idem a Procancellario fiat. Eidem Cancellario cum consensu totius Academiæ licebit nova Statuta ad eruditionis amplificationem, et decori atq. honesti conservationem inter scholasticos habendam sancire; sic ut ea his decretis nostris nihil detrahant aut officiant.

De Officio Procuratorum.

CAP. XLIII.

De Autoritate Procuratorum. V. inf.

PROCURATORES Academiæ publicis Disputationibus jurisconsultorum, Medicorum, et Magistrorum artium intererunt, et convenientem et decorum Ordinem conservandum curabunt; et quamdiù contra quisq. disputabit, præscribent: exordia longa, argumenta nugatoria, quæ magnum disputationibus afferunt detrimentum, præcident, [a] et providebunt, ut omnes qui præsto esse tenentur, adsint, nec sine legitimâ et approbatâ causâ, aut veniâ impetratâ discedant; eosq. qui contra faciunt, primo tempore quatuor denariis, secundo duodecim, tertio viginti denariis, quarto graviori pænâ mulctabunt. Si gravior illi qui mulctatur mulcta esse videbitur, ad Cancellarium provocatio fiet. Procuratorum

[a] V. Interp. inf.

etiam erit, providere, ut singuli suas in respondendo vices atq. ordinem conservent; eumq. qui deliquerit violati ordinis reum ad Cancellarium deferent. Cancellarius eum qui deliquerit, primò pecuniâ præfinitâ mulctabit; iterùm delinquenti duplicabit mulctam; tertio verò si deliquerit, Cancellarius illum gravius pro arbitrio suo coercebit. At vero si qui sic offenderit bacculaureus artium primi vel secundi anni, aut inferioris ordinis fuerit, primò quinq. solidis, secundo decem solidis, tertio vero pro Cancellarii arbitrio gravius coercebitur. Harum omnium mulctarum triens unus Procuratoribus, alter Præconibus, tertius ærario publico dividatur, quæ nisi statim persolvantur, violator ordinis pignoribus captis coerceatur, quæ ad eam summam perveniant; et post novendium ea distrahantur, nisi interea temporis pro mulcta satisfáciat. Unus ex Procuratoribus semper disputationibus philosophicis Magistrorum artium adsit, quarum moderator esse debet; si abfuerit, tribus solidis et quatuor denariis, quoties abfuerit, mulctabitur. Procuratores in matriculatione præsentes, et officium suum diligentèr facientes, singulis matriculationum diebus tres solidos et quatuor denarios ex ea pecuniâ matriculatoriâ accipient.

V. Stat. 23. Sup.

De Oratore.

CAP. XLIV.

ORATOR Academiæ, nisi impetratâ a Cancellario veniâ, non discedat, et idoneum aliquem ad id tempus vicarium substituat, neq. illi hac venia licebit plus tribus mensibus toto anno abesse sub pæna muneris oratorii amittendi, nisi veniam ab Academia uberiorem habeat.

De Oratore, et ejus officio. V. inf.

De Concionibus.

CAP. XLV.

NULLUS concionator sit, vel aliquam concionem pro gradu suo habeat, nisi ad minimum diaconus sit. Octavâ Maii ad Henrici septimi commendationem sacra concio sit, quam Regius in Theologiâ Professor faciat. Pridiè uniuscujusq. termini concio latina horâ nonâ antemeridianâ in ecclesia beatæ Mariæ habeatur. Primo termino anni concionabitur Regius Professor in Theologiâ; secundo Professor dominæ Margaretæ; tertio concionator Academiæ. Unoquoq. die dominico de anno in annum conciones in Academiæ templo fiant: ordo idem collegiorum in concionibus observabitur, quem in disputationibus præscripsimus; incipiendo a senioribus, qui concionatores sunt in unaquâq. combinatione, et sic progrediendo ad juniorem. Qui cursum suum in concionando omiserit * viginti solidis mulctabitur.

De his concionibus. V. Gratiam inf.

* The penalty is now 40s. V. inf.

Collegia pro singulis concionibus solvent Bedellis quatuor denarios, nisi quis pro gradu concionatur. Concionatores autem in concione suâ utentur caputio usitato non-Regentis sub pœna sex solidorum et octo denariorum, quotiès deliquerint.

De hujusmodi oppugnatoribus Ecclesiæ Anglicanæ. V. inf.

Prohibemus ne quisquam in concione aliqua, in loco communi tractando, in lectionibus publicis, seu alitèr publicè intra Universitatem nostram quicquam doceat, tractet, vel defendat contra Religionem, seu ejusdem aliquam Partem in regno nostro publicâ autoritate receptam et stabilitam; aut contra aliquem statum, autoritatem, dignitatem, seu gradum vel ecclesiasticum vel civilem hujus regni nostri

Angliæ, vel Hiberniæ: qui contra fecerit, errorem vel temeritatem suam Cancellarii jussu cum assensu majoris partis præfectorum collegiorum revocabit, et publicè confitebitur. Quod si recusaverit, aut non humilitèr, eo modo quo illi præscribitur, perfecerit, eadem autoritate a collegio suo perpetuò excludatur, et Universitate exulabit.

De Vestitu Scholarium.

CAP. XLVI.

STATUIMUS, ut nemo ad aliquem in Universitate gradum evectus, nisi togâ talari, caputioq. ordini congruente, aut ad minimum insigni circa collum sacerdotali indutus collegio exeat: contra delinquentis sex solidi et octo denarii mulcta sit. Et si quispiam disputationi publicæ in suâ facultate, publicis in ecclesiâ beatæ Mariæ precibus, concioni ad Clerum, sepulturis, congregationibus, sine togâ, habitu, et caputio gradui suo convenientibus, juxta antiquum Academiæ morem, interfuerit, eandem mulctam incurrat. Item statuimus, ut Socii cujusq. Collegii, et Graduati qui non sunt Socii, dum moram traxerint in Universitate, superiore pileo scholastico et quadrato, nisi ægrotaverint, utantur, et non alio, tam in collegio quàm extra collegium, sub pænâ prædictâ. Prohibemus etiam, ne quis scholarium cujuscunq. conditionis sit, galero utatur, aut in collegio aliquo, aut extra collegium, nisi ægrotaverit, sub eadem pœna quotiès deliquerit.

De vestitu non-Graduatorum. V. inf.

Volumus etiam, ne quisquam, studiorum nomine degens in Academiâ, ultra unam virgam et dimidiatam panni in exteriore parte caligarum gestare præsumat; neve caligis

fenestratis, conscissis, serico contextis, aliquo modo distentis, et suffarcinatis incedat, sub pœna sex solidorum et octo denariorum quoties deliquerit.

Præterea volumus, ne quisquam aliquo collegii stipendio sustentatus, aut ad aliquod beneficium ecclesiasticum admissus Camisiâ, rugato collari, aut ad manus rugatis plicaturis, sub pœnâ prædictâ utatur. Licebit tamen mediocri collari rugato uti, modo nihil ex serico intexatur: priviso tamèn ne superiores de vestitu ordinationes, Dominorum liberos, aut Militum hæredes aliquo modo astringant. Socii, Discipuli, et Pensionarii singulis dominicis et festis diebus in Chorum honesto cum apparatu et superpelliciis tecti veniant; Graduati autem cum caputiis gradui suo convenientibus sub pœna duodecim denariorum. Quod si quis a collegii Magistro requisitus Chorum ingredi cum superpellicio et caputio neglexerit, vel recusaverit tempore publicarum precum, pro prima vice commeatu unius septimanæ, pro secunda vice duarum, pro tertia mensis mulctabitur, pro quartâ collegio privabitur: neq. ullum librum secum afferat, qui non vel Scripturæ pars sit, vel ad Scientiam Scripturæ pertineat.

De Modestia et Morum Urbanitate.

CAP. XLVII.

V. Interp. inf. ad tollendas ineptias in Disp. Comitialibus.

MODESTIAM suo ordini convenientem omnes in omnibus locis colant, præsertim in concionibus et congressibus publicis. Inferiores ordines superioribus loco cedant, * et debitâ reverentiâ prosequantur; hujus rei violatores, si non fuerint adulti, virgâ a suis coerceantur; sin adulti, primò

* V. inf.

asperè verbis castigentur; secundò hebdomadæ commeatu; tertiò menstruo commeatu mulctentur; quarto e collegio ejiciantur. Aleæ nullo tempore, Chartæ pictæ non nisi Christi nativitatis tempore, i. e. duodecim diebus tantum post diem nativitatis, idq. moderatè et idoneo tempore in Aulis tantum usurpentur, sub pænâ expulsionis post secundam admonitionem. [a] Quotidianæ oppidi frequentationes, sessiones in oppido diurni vel nocturni temporis, et pecuniæ inanes collationes minime usurpentur. Nulla gladiatoria, Lanistaria, aut saltatoria Schola, nec domus aleatoria, nec Galli prælium, aut ursorum aut taurorum pugna intra oppidum Cantebrigiæ sit, aut frequentetur sub mulctâ quadraginta solidorum ei imponendâ, qui hoc statutum, aut aliquam ejus partem violaverit. Nullus ex Scholasticis scutis ludat; nec otiosus, eorum qui ludunt, spectator adstet; nec galli prælio adsit, aut lusui gladiatorio vel saltatorio, aut ursorum vel taurorum pugnæ sub pæna trium solidorum et quatuor denariorum, quoties in hac re peccaverit. Nemo in Pupillari statu degens, nisi uni ejusdem collegii, ordinis, et conditionis sodali associatus, concessâq. prius a Tutore vel Decano, vel collegii præfecto veniâ, in oppidum exeat; si secus quis exierit, mulctam arbitrio Cancellarii, vel præpositi collegii cujus est, infligendam incurrat. Pauperes tamen scholares et Sizatores ex licentiâ Tutorum, dum in necessariis eorum negotiis versantur, soli exeuntes huic decreto minimè astringantur. Statuimus etiam, ut nemo cujuscunq. gradus aut ordinis fuerit, (publicos privatosq. Magistratus excipimus in executione suorum officiorum occupatos) forum frequentet, vel diutiùs in aliquâ oppidi plateâ moretur, sub pæna duorum solidorum, quoties quis deliquerit, imponendâ. Neq. quisquam Scholaris, cujuscunq. gradûs aut Ordinis fuerit, in conventibus, quos Sessiones vocant, Judice pro Tribunali sedente, in illum statum se ingerat, nisi priùs petitâ a Cancellario veniâ; qui secus fecerit viginti solidis puniatur. In nundinis Sturbrigiensibus, vel iis quæ ad festum sancti Johannis Baptistæ tenentur, depre-

[a] Against Clubs, or any resorting to Taverns. V. inf.

[a] Batch[s] of Law & Physick & M[rs] of Arts are subject to this Statute. V. inf.

hensus infra gradum Magistri in Artibus (nisi speciali licentiâ præfecti collegii, vel, eo absente, vices ejus gerentis se defendat) tres solidos et quatuor denarios nomine pœnæ pendat. Inhibemus ne eorum quispiam, qui in oppido tabernas aut cauponas aperiant, vel cibaria vendant, aliquem scholarem ad mensam, commessationes, compotationes, lusum, moram noctù aut interdiù in suas tabernas, popinas, aut diversoria recipiant, vel apud se latere patiantur: mulctam, qui hanc ordinationem offenderit, incurrat quadraginta solidorum in usum Universitatis applicandorum pro primâ et secundâ vice; tertio autem, sic ut præfertur, recipiendo Scholares delinquentes, ultra prædictam pecuniariam mulctam, ne popinas, tabernas, hospitia aut diversoria aperiant, neve esculenta aut potulenta in posterum vendant, omnino interdicantur. Baccalaurei tamen Legum, Medicinæ, Musicæ, Artium Magistri, et superiores gradus; Pupilli etiam Tutores comitantes, vel ad parentes et amicos, in oppidum tanquam hospites adventantes, accersiti solummodo ad prandium et cœnam impunè recipi possunt. Possunt etiam ejus ordinis Scholares extra tempus prandii et cœnæ ex speciali licentiâ præfecti collegii, similitèr impunè honesta diversoria intrare, atq. ibidem commorari. Statuimus etiam, ne quisquam κατηλικην in rebus mobilibus Scholarium exerceat, i. e. ne emat vilius, quæ mox charius vendat, nisi per Cancellarium admissus, (quàm paucissimos autem admittat) et interventu fidejussorum obligatus, sub pœnâ carceris et decem librarum in usum Academiæ convertendarum: quinetiam sic obligatus in cautione fidejussoriâ caveat de libro sive registro custodiendo, eoq. singulis anni quartis Cancellario exhibendo, in quo nomen venditoris, vel traditoris, collegii in quo degit, res vendita, vel pignoris loco tradita, pretium emptionis et venditionis, dies contractûs contineatur. Porro librum eum sic exhibitum, convocato ad se altero Procuratorum, Cancellarius examinabit.

Qui famosum libellum ignarus sive domi sive foras reperierit, aut corrumpat aut igni tradat, antequam alter inveniat:

qui vero alteri fateatur inventum, et vim illius declaraverit, sciat se tanquam autorem delicti puniendum, et Universitate expellatur.

De Causis Forensibus.

CAP. XLVIII.

OMNES causæ et lites quæ ad Universitatis notionem pertinent tam Procancellarii, quam Commissarii Judicio subjiciantur; nisi Procuratores, vel Taxatores Academiæ, aut eorum aliquis, vel Magister Artium, aut qui supra illum fuerit, alter litigantium sit; tunc enim Procancellarii solius erit jurisdictio; nisi in nundinis Sturbrigiensibus, et iis quæ ad festum sancti Johannis Baptistæ apud Barnwell teneantur. Finem autem accipient *intra triduum*, si fieri potest, omni juris solennitate semotâ: á sententiâ Commissarii ad Procancellarium appellabitur intra viginti quatuor horas post latam sententiam: á Procancellario autem, sive lis coram eo cæpta sit, sive per appellationem ad eum devoluta, ad Universitatem provocatio fiet intra biduum á tempore latæ sententiæ, et non post: suamq. appellationem intimabit Appellans alteri Procuratorum intra triduum latæ sententiæ: ille vero statìm nomine Academiæ judicem a quo inhibebit, ne quid pendente appellatione attentare vel innovare præsumat; priùs tamèn duobus solidis ab appellante honorarii loco acceptis; nec non viginti solidis apud eum depositis appellanti restituendis, si justam fuisse causam probetur; vel in usum Academiæ convertendis, si temerè appellasse convincatur; aut si post datos judices a prosecutione cessaverit, vel culpâ suâ cognitio deferatur. Causæ appellationum ad Universitatem ultra decem dies, si fieri possit, post

De his causis pleniùs provisum est. inf.

No Proctor may take a Fee after the 3d court day. V. inf.

De Appellationibus. V. inf.

datos judices non *protrahantur; nec secunda provocatio omnino admittatur. Judices delegati tres ad minimum, nec plures quàm quinq. pro qualitate causæ in omni appellatione dabuntur; et sententiæ majoris partis illorum standum est. Potestas autem nominandi judices sit penes quinq. illos viros, qui pro Capite illius anni constituti sunt, et duos Procuratores; et qui a majore parte istorum nominati fuerint, ad Regentes et non-Regentes deferentur suffragiis suis eligendi, si placent iis; alioquin mutatis uno vel altero, alii eorum loco per dictos Septemviros surrogati, proponentur eligendi; et si hi quoq. displicent, similitèr tertio fiet; quod si nec tertio loco positi eligantur, licebit dictis Septemviris, aut eorum majori parti pro illa vice tantum delegatos judices eligere et dare: et si major pars Septemvirorum vel in nominandis judicibus, vel in eligendis illis, quando electio ad eos devolvitur, non conveniant, tunc plures numero prævalebunt, licet majorem partem vel æquam habitâ ratione totius numeri non efficiant.

* Sub pœna 20s. et fœdarum, et beneficii appellationis. V. inf.

De Solutionibus faciendis ab iis qui gradus suscipiunt.

CAP. XLIX.

SOLUTIONES faciendæ Academiæ Cancellario, Procuratoribus et Bedellis, &c. ab iis qui gradus suscipiunt, in admissione suâ, &c.

Magister Grammatices, præter id quod solvat magistro Glomeriæ, solvet pro Communâ 12d. Pulsatori Campanæ 4d. Registrario 4d. Bedellis in admissione 13s. 4d.

Summa 15s. 0d.

Baccalaureus in Artibus solvet in sua admissione Cancellario 4d. Præsentatori 4d. Procuratoribus 8d. pro Communâ 12d. pro Mathematicâ Lecturâ 8d. Registrario 2d. in respondendo Questioni tria paria Chirothecarum, vel 6d. pro Collectis 1s. 4d. in admissione 5s. 4d. in die Cinerum 6d. Capellano Academiæ 12d. pro Compotatione 3s. 4d.

Summa 15s. 2d.

Baccalaureus incorporatus solvet tantundem.

Baccalaureus solvet Bedellis pro introitu in libros Posteriorum 5s. 4d.

Summa 5s. 4d.

Inceptor in Artibus solvet Cancellario 2s. Præsentatori 12d. Procuratoribus 2s. pro Communâ 1s. 8d. pro Mathematicâ Lecturâ 3s. pro Commutatione 4d. Registrario 4d. Pulsatori 4d. Bedellis pro visitatione 5s. 4d. pro prandiis et Chirothecis 3s.

Summa 19s. 0d.

Baccalaureus in Musicâ solvet Cancellario 2s. Præsentatori 2s. Procuratoribus 2s. pro Communâ 1s. 8d. Registrario 4d. Pulsatori 12d. Bedellis pro Collectis 4s. 8d. pro prandiis 1s. 6d. pro visitatione 6s. 8d. pro chirothecis 1s. 6d. pro introitu 6s. 8d.

Summa 30s.

Baccalaureus in Medicinâ et in jure civili solvent quemadmodum dictum est de Baccalaureis in Musicâ.

Item admissus ad practicandum in Chirurgiâ vel Medicinâ, gremialis sive non, Cancellario solvet 2s. Procuratoribus 2s. pro Communa 1s. 8d. Registrario 4d. Pulsatori 12d. Præsentatori 2s. pro Collectis 8s. pro introitu 6s. 8d. pro responsione 6s. 8d. pro prandiis et Chirothecis 3s. pro visitatione 6s. 8d.

Summa 40s.

Procurator in Curia 2s. 4d.

Inceptor in Musicâ, Medicinâ, vel jure civili solvet Cancellario 2s. Procuratoribus 2s. pro Communâ 1s. 8d. Registrario 8d. Pulsatori 12d. Bedellis pro Collectis 2s. 8d. pro

duabus responsionibus 13s. 4d. pro introitu 6s. 8d. pro prandiis et chirothecis 3s. crastino Comitiorum 13s. 4d. pro Calendario 3s. 4d. Præsentatori 2s.

Summa 2l. 11s. 8d.

Baccalaureus in Theologia solvet Cancellario 2s. Præsentatori 12d. Registrario 6d. pro prima responsione 6s. 8d. pro introitu et visitatione 6s. 8d. pro prandiis et chirothecis 3s. Procuratoribus 2s.

Summa 1l. 1s. 10d.

Item solvet admissus ad opponendum Procuratoribus 2s. Præsentatori 12d.

Summa 3s. 0d.

Inceptor in Theologiâ solvet Cancellario 2s. Præsentatori 12d. Procuratoribus 2s. pro Communâ 1s. 8d. Registrario 8d. pro introitu Bibliæ 6s. 8d. pro prandiis et chirothecis 3s. pro visitatione 13s. 4d. pro Calendario 3s. 4d.

Summa 1l. 13s. 8d.

Quilibet prædicans pro Formâ, seu ad Clerum, seu determinans quæstiones dabit Bedellis prandium, vel duodecim denarios inter eos dividendos.

Incorporatus in aliquâ Facultate solvet prout de corporatis dictum est, servatâ Taxâ suæ propriæ Facultatis.

V. Interp. inf. Quilibet admissus in aliquâ Facultate solvet Procuratoribus et Scrutatoribus pro Gratiâ petendâ juxta antiquum Academiæ morem.

Omnes incipientes in aliquâ Facultate dabunt Cancellario, Patri, et Procuratoribus pro Creatione et disputatione pro veteri more Academiæ.

Admissi ad incipiendum in Jure dabunt Doctoribus suæ Facultatis præsentibus in admissione juxta antiquum morem Academiæ 6s. 8d.

Omnes admissi in Jure satisfacient Ordinario Professori ejusdem pro Cathedrâ, quam conduxit ab Academiâ sive sint Baccalaurei, sive Inceptores.

V. Interp. inf. Omnes quorum annuus reditus est ad valorem quadraginta Marcarum, præter stipendia quæ habent á collegiis

suis, aut ab Academia ratione alicujus Lecturæ, ad gradum aliquem scholasticum promovendi, dabunt Cancellario, Procuratoribus, reliquisq. Officiariis togas solito more Academiæ, aut cum his component rationabiliter. Cujuscunq. Facultatis Doctores, et reliqui soliti componere cum Officiariis, retinebunt solennem invitandi morem Regentes, pridie vesperiarum Comitialium, et dabunt Bedellis solitam Collectam.

Doctor Cathedræ Juris civilis, qui commoda percipit ab his, qui gradibus Juris civilis initiantur, is Academiæ viginti sex solidos et octo denarios annis singulis persolvat, et consueta stipendia Bedellis.

Sizatores in Matriculatione quatuor tantum denarios solvent, cæteri omnes quemadmodum ante soliti sunt.

Si Terminum aliquem propter sævitiam pestis intermitti contingat, nihilo tamen seciùs omnes illi quorum interfuisset munus aliquod literarium obire mercedem in Terminis pendi solitam ministris Academiæ solvere teneantur.

Stipendia solvenda annuatim Bedellis ad quatuor anni terminos per Academiam et singula Collegia.

Academia solvet annuatim - £12. 16*s*. 08*d*.

	£.	*s*.	*d*.
Coll. Regale - -	1	0	0
Coll. Trin. - -	1	6	8
Coll. Johan. - -	0	13	4
Coll. Regin. - -	0	6	8
Coll. Christi - -	0	6	8
Aul. Pemb. - -	0	6	0
Coll. Petri - -	0	5	4
Aul. Clar. - -	0	5	0
Aul. Trin. - -	0	5	0
Coll. Corp. Christi -	0	4	0
Coll. Gonv. et Caii -	0	4	0
Coll. Jesu - -	0	4	0
Coll. Magd. - -	0	2	0
Aul. Cath. - -	0	2	0

De Ordinationibus Collegiis præscriptis.

CAP. L.

1. PRIMO uniuscujusq. Termini die fractio panis et sacrosancta Communio celebretur in singulis collegiis, nec non preces generales ad Deum, atq. brevis exhortatio ad Scholasticos a Magistro collegii vel ejus vicario fiat; ut se studiis Literarum et pietati dedant, et á Deo, fonte et autore omnis pietatis, cognitionis et, scientiæ, atq. adeo bonarum rerum omnium, auxilium et suppetias ad suos labores impetrent.

§ 2. Singuli collegiorum Præfecti bìs quotànnis omnes Scholasticos suos ad aliquod studium sacris Literis adhibendum, sed imprimis, ut dominicos festosq. dies prece, lectioneq. earum sanctificent, exhortabuntur.

3. Singulis profestis diebus conveniant omnes Socii et Scholares ad horam quintam antemeridiànam, et ibi preces matutinas reverentèr et religiosè celebrent.

4. Post communes in aurorâ ad horam quintam preces, Locus communis in collegiis Regis, Trin. et Johan. ter tractabitur, et in cæteris collegiis idem Locus communis bìs ad minimum in hebdomadâ eâdem horâ tractabitur.

5. Singuli collegiorum socii et Pensionarii, qui supra gradum Baccalaureatûs Artium et infra Doctoratûs gradum in aliqua Facultate fuerint, Locum communem suo ordine tractabunt per hebdomadas, a senioribus incipiendo, atq. ita ad infimos progrediendo; quod, qui in cursu suo non fecerint, menstruo Commeatu mulctentur.

6. Socii, Discipuli, Pensionarii, et Scholastici singuli, qui nondum quadragessimum annum attigerint, neq. ad

Doctoratus gradum aspirarunt, neq. Præfecti collegiorum sunt, matutinis horâ quintâ precibus, et Loco communi intererunt sub pæna ea quæ instatutis adversus eos constituta est, qui in divino Servitio (ut vocant) non intersint: in quibus collegiis nulla pæna constituta est, absentes pro singulis absentiis singuli duobus denariis mulctentur.

7. Singulæ absentiæ et tarditates a vesperis, matutinis et Synaxi communi Parliamenti consensu constitutâ, cæterisq. communibus precationibus quatuor denariis mulctentur.

8. A primâ die Termini usq. ad extremam, collegia singula problemata singulis diebus Veneris, et cætera etiam problemata, per statuta illis aliis diebus assignata, sine ulla exceptione iisdem diebus hebdomadatim observent; quod si non fecerint, qui respondere deberent, singuli quorum interest id efficere 6s. 8d. Opponentes vero singuli 3s. 4d. mulctentur.

9. Problemata Theologica observentur tam per Baccalaureos Theologiæ quoscunq. quàm per Magistros Artium; et Decanus constituatur, qui Moderator sit, et quæstiones determinet, et mercedem certam a Collegio ad id propositam habeat.

10. Pensionarii qui in Sociorum commeatu sunt, problemata, Locos communes, cæterasq. Exercitationes scholasticas, quemadmodum et Socii, observent, sub pænâ menstrui Commeatûs.

11. Magistri Artium post primum ad minimum Regentiæ suæ annum domi suæ in Theologiâ disputent et respondeant.

12. [a] Magistri collegiorum ab omnibus scholasticis exercitationibus tam publicis quàm domesticis liberentur, nisi quæ pro gradu suscipiendo fuerint constitutæ.

[a] Hi tamèn concionari tenentur certis diebus. V. inf.

13. Singuli suo ordine concionabuntur, respondebunt, disputabunt, cæterasq. exercitationes ipsi per se suâ in personâ habebunt, tam domi in suis collegiis, quam publicè in Academiâ sub [b] *pæna decem solidorum*, quoties deliquerint, nisi justa causa inciderit per Magistrum Collegii illius cujus

[b] The penalty is now 40s. V. inf.

sunt, et majorem partem Sociorum approbanda: cæteras tamen exercitationes, quæ necessario ad gradum requiruntur, ipsi per se præstabunt.

14. Singuli qui in ullo collegio ad studium Theologiæ Juris *et* Medicinæ traducti sunt, ordine suo in Theologiâ, Jure et Medicinâ disputare teneantur. *Al. ant.*

15. In singulis collegiis Lectores, aut alii ad id assignati, Lectiones domesticas examinent, atq. etiam, si commodè fieri poterit, publicas, sub pæna 12^{d}. quoties deliquerint.

16. Tutores Pupillos suos diligenter doceant, convenientèr corrigant, nec permittant eos solutè in oppido vagari.

17. Lectiones domesticæ ita instituantur ut nullum impedimentum publicis Professorum lectionibus afferant.

18. Singuli collegiorum Præfecti curabunt, ut in ædibus suis singuli scriptores scholastici suâ propriâ et primâ linguâ legantur et cognoscantur.

19. Nemo Scholaris in ullum collegium admittatur, nisi quartum decimum annum adimpleverit, nec quisquam ad ullum collegium assumatur, nisi instructus et præparatus fuerit ad Dialecticam discendam.

20. In singulis collegiis Magister, Decanus, et Lector publicus singulos in collegium admittendos, ante primum illorum ingressum examinent, utrum perfectè teneant Grammaticam necne; ut nulli in hujusmodi loca admittantur, qui non in eâ satis ad Mathematicam et Dialecticam discendam profecerint.

21. Nemo in collegio ullo Grammaticam doceat, nisi in collegiis Trinitatis et Regio quoad Choristas.

22. Cæremoniæ saliendi recentes Scholasticos prorsùs aboleantur propter multas incommoditates, quæ ex illis consequuntur; modicæ tamen impensæ possunt in conviviis retineri.

23. Nemo in aliquod collegium Theologorum admittatur Socius, nisi sit actualis Baccalaureus Artium.

24. Quicunq. alterum parentem Anglum habent, licet in

locis transmarinis, sumantur tanquam nati in illo Comitatu, in quo parens Anglus procreatus fuit. Quod si uterq. parens Anglus extiterit, ex illo comitatu essę censeantur, ex quo patrem illorum fuisse constiterit.

25. Nemo, consensu Magistri et majoris partis Sociorum aut Seniorum ab aliquo Collegio expulsus in aliud Collegium recipiatur sub pœna quadraginta Solidorum infligendâ Tutori a quo fuit receptus, et tantundem Præposito, per quem fuit admissus in illud collegium, aut in eodem manere permissus: mulcta illa æqualitèr dividatur inter illud collegium unde fuerat expulsus, et Academiam.

No one can *change* his Coll. now without Leave. V. inf.

26. Singulorum collegiorum Præsides, qui habiles sunt, et libentèr ad concionandum accedunt, sacerdotium ad quadraginta marcarum valorem annuum habere possunt, et ad trium annorum spatium sodalitium suum retinere; modo singulis annis concionem unam in collegio suo, et alteram in Academiâ habeant.

27. In Sociorum et Discipulorum electionibus pauperum filii apti et ingeniosi divitum et potentiorum filiis præferantur.

28. Jentaculorum et prandiorum consueti in disputationum tempore sumptus per Magistrum et majorem partem Sociorum leventur et minuantur.

29. In omnibus et singulis electionibus tàm Sociorum, Discipulorum, Scholarium, Officiariorum, Lectorum, reliquorumq. membrorum cujusq. Collegii, quàm in omnibus et singulis locationibus et concessionibus quibuscunq. necessario requirendus est Magistri sive Præpositi illius collegii assensus et consensus. Et quod bene licebit Magistris sive Præpositis collegiorum in suis collegiis, si quando illis necessarium videbitur, omnes illas pœnas exercere in delinquentes, quas aliquis Officiariorum illius collegii per statuta ejusdem collegii imponere possit.

30. Si quisquam collegio vel domo suâ abfuerit, ex quacunq. causâ non licebit illi vocem et suffragium suum aliis committere in ullo genere electionis.

31. Lectores et cæteri ejusdem Collegii, si simul rure tempore pestis sunt, ut lectiones cæterasq. exercitationes consuetas quemadmodum si domi essent, habeant, omnes commoditates et fructus percipiant, quos haberent, si domi essent.

32. Nullus Seneschallus, Bursarius, aut hujusmodi aliquis administer, plus pecuniæ præ manibus habeat, quàm ad unius mensis provisionem satìs pro illo collegio sit.

33. Socios collegiorum maritos esse non permittimus, sed statìm postquàm quis uxorem duxerit Socius collegii desinat esse: ordinem tamen gradûs sui in Academiâ tenere potest.

34. Januæ et portæ per singula collegia unâ eâdemq. horâ vesperis obserentur; hieme viz. horâ octavâ; æstate, horâ nonâ: hiemem hoc loco interpretamur a festo sancti Michaelis, ad festum Annunciationis beatæ Mariæ; æstatem, quod reliquum est anni: claves vero portarum singulis noctibus ad cubiculum Magistri uniuscujusq. collegii, aut, eo absente, Præsidis deferantur.

35. Omnes concessiones quæ communi sigillo sive Academiæ sive ullius collegii obsignantur in Registro prius scribantur, et ante obsignationem cum Registro conferantur.

36. Nullus in festo Nativitatis sit Dominus ludorum quocunq. nomine censeatur, absq. consensu Cancellarii et Præfectorum collegiorum.

37. Convivia antiquis exequiis adjuncta abrogata sunto; et in illorum loco moderatæ epulæ commendationum diebus Magistri et Sociorum judicio instruantur; omnisq. Eleemosyna, quæ antehac distribui post exequias solebat, hoc tempore pauperibus dividatur. Et cætera convivia quorumcunq. temporum judicio Magistrorum et Sociorum legitimam moderationem accipient, reservato tamen Bedellis jure suo veteri pecuniario.

De Commem. Benefact. in Templo Acad. celebrand. V. inf.

38. In singulis collegiis primo die post cujusq. Termini finem, totum collegium in sacellum conveniat, et post quadragessimum quartum caput Ecclesiastici lectum, aliquis a

Magistro assignatus concionabitur; ubi Fundatoris, cæterorumq. insignium virorum, quorum in eo collegio Benefacta latè patent, præclara commendatio erit; et quantâ gloriâ Deus afficiendus est demonstrabitur, qui per eos Benefactores ingentia in illos beneficia contulerit; et societatem illam hortabitur, ut eisdem ad Dei gloriam, et eruditionis amplificationem, et honestum Fundatoris institutum utantur: et Deum precentur, ut ita viventium corda suæ benignitatis gratia affundat, ut ad Dei gloriam illustrandam, et Christianam religionem adaugendam opes et facultates suas similitèr conferant. Post concionem peroratam cantabunt anglicè Te Deum: Laudate Dominum in cœlis: Cantate: Laudate Dominum in sanctis, ad finem Psalmorum; Gloria patri, et post finem Psalmorum, dicent;

The Memory of the righteous shall remain for evermore.

Resp. And shall not be affraid of any evill report.

The Lord be with you.

Resp. And with thy Spirit.

Let us pray.

O Lord, we glorify thee in these thy servants our Benefactors, departed out of this present Life; beseeching thee that as they for their time bestowed charitably for our comfort the temporall things which thou didst give them, so we for our time may fruitfully use the same, to the setting forth of thy holy word, thy Laud, & praise, & finally, that both they & we may reign with thee in glory, thrô Jesus Christ our Lord. Amen.

Concionatori huic certa merces per Magistrum et Socios collegii constituatur.

39. In omnibus his Statutis ubi nulla expressa pæna violatoribus imponitur, liceat Cancellario cum consensu Præfectorum collegiorum certam pænam assignare, atq. imponere eorum violatoribus; atq. ita legittima sit, ac si in prædictis Statutis præposita fuisset. In singulis autem collegiis, ubi nulla expressa pæna leviùs delinquentibus imponitur, ibi

SENATUSCONSULTA SIVE GRATIÆ.

AN.

1522. 1. QUONIAM plerumq. periclitata est respublica nostra defectu literarum, quæ ad magnatum implorandam contra adversarios nostros opem, veluti præsidia tutissima ipsis opponi debuissent; detrectantibus laborem singulis, partìm præmii exiguitate, partìm veriti autoritatem potentiamq. eorum, contra quos scribere debuissent: visum nobis tandem est, laboranti hac in parte Parenti Academiæ, veluti piis filiis succurrendum. Et ne adversarii cum ipsis expostulare possint, qui (quod debent) gymnasii causam pro viribus tutantur; statuimus, ordinamus, et volumus, ut unus aliquis Orator publicus eligatur, cujus humeris quæ incumbunt onera, his capitulis colligenda duximus. Quorum singula ne detrectet, sed fideliter exequatur, juramento illum astringi sub ipsâ mox admissione volumus, et statuimus. De Oratore, et ejus officio.

Primò, ante omnia jurabit Orator, se contra quoscunq. (vel amicos etiam suos) et pro quibuscunq. (inimicis etiam suis) si Cancellario et Procuratoribus videatur, Academiæ nomine literas fidelitèr exaraturum; et, si quid in literis publicè

AN.

lectis displiceat, commutaturum, pro arbitrio eorum, quibus committet Autoritatem expendendi quæ scripta sunt Academia; deinde correctas in mundo descripturum, et ad sigillum aptas redditurum.

Secundò. Et quoniam pleraq. incidunt in negotiis publicis, quæ coram Vicecancellario tractantur, quæ nonnunquàm opem aut Regis aut magnatum desiderant; jurabit idem, citra ullam Excusationem, si vocetur, diligentèr et fidelitèr Vicecancellario et Procuratoribus affuturum; aut alterum, si ipse adesse nequeat, substituturum.

Tertiò. Item, quoniam civile magis munus est quàm theologicum, Principes et magnates in os laudare, et eorum adventum oratione demonstrativâ excipere; statuimus, ut Orator excipiat Principes et magnates omnes oratione doctâ et elaboratâ; et ne cum hac re, nisi annuentibus singulis, et ipso etiam Oratore consentiente, dispensari possit, ordinamus, et statuimus.

De Absentia Oratoris. V. Stat. Eliz. Cap. 44.

Quartò. Si aut propriorum negotiorum, aut amicorum invisendorum causâ plusquàm biduum aut triduum abesse illi opus fuerit, unum aliquem idoneum in vicem suam coram Procancellario et Procuratoribus substituet; qui ejus officium juratus suppleat, citra Academiæ aut sumptus aut jacturam. Præterea jurabit, si visum fuerit Academiæ, non recusaturum ad quoscunq. Principes et magnates ire; et apud ipsos contra quoscunq. causas Academiæ fidelitèr agere; sic ut ipsi duorum equorum, ministriq. et suos sumptus Academia præstet.

Quintò, et postremò. Jurabit ad quemcunq. statum pervenerit, modis omnibus, pro viribus, Academiæ causas contra quoslibet adjuturum et protecturum. Et si vel amicum vel inimicum,

AN.

vel alium quemlibet intelligat aliquid contra Academiam moliri, id mox Academiæ Procancellario et Procuratoribus, quamprimùm commodè fieri poterit, insinuabit, et consilio juvabit, quo ipsi videtur, siquid immineat periculi, illud posse Academiam declinare. Item statuimus, si Magister Artium sit, ut habitum habeat non ex alia qualibet re, quam ex serico et undulatâ.

Pœnæ Oratoris.

Quod si in his omnibus, aut horum aliquo quoquo modo peccasse legittimè et probabilitèr convincatur; volumus, ut per Procancellarium, et Majorem partem Doctorum, ut illis videbitur justum, puniatur. Quod si secundo peccaverit, officio suspendatur, donec patribus Academiæ visus fuerit dignam criminis dedisse pœnam: quod si tertio, prorsus et citra ullam restitutionem semoveatur.

Privilegia Oratoris.

Jam quia tot laboribus obnoxium, iniquum esset momentaneo afficere præmio; statuimus et ordinamus, ut quilibet post Doctorem Crocum futurus Orator, tantum per septennium officio gaudeat, idq. si hic perstiterit. Deinde, quià publicæ libertatis velut assertor, et propugnator literis suis vir talis futurus est; et talem æquum est honorificè haberi: Statuimus, et volumus, ut Orator, si M^r. Artium sit, habeat locum et honorem omninò summos, et proximos post Legum et Medicinæ Doctores; ita tamen, ut in Processionibus solus incedat, et in publicis Actibus sedeat, honoris gratia, separatus ab aliis.

Item statuimus, quòd omnibus publicis negotiis et consiliis, etiam non vocatus, pro arbitrio suo interesse possit; et suam de rebus omnibus, quemadmodum Doctores, dicere sententiam.

Tertio, quoniam multorum indignationi Aca-

AN.

demiæ nomine videtur exponendus, et pluribus negotiis nonnunquam involvendus, quam ut citra publicum incommodum Academiæ negotiis sempèr omnibus interesse possit; eundem ab omnibus Missis, Exequiis, et Congregationibus (etiam ex statuto) fore liberum, et ad placitum Regentem et non-Regentem esse statuimus.

Postremo, ne jacturam faciat absens in suis negotiis, cum obstrictus, sit aliquem unum coram Procancellario et Procuratoribus (quod sine sumptu non potest) in suum sufficere locum: Statuimus, ut annis singulis ipsi 40 solidi numerentur ex ærario publico, per Procuratores eidem petenti sine ullâ dilatione dandi; viginti scilicet in die vesperiarum; et viginti in die Nativitatis Domini. Proviso sempèr, ut uni Domino Croco perpetuum hoc Officium sit, quamdiù placuerit hîc sedem habere permanentem: quod si alio se contulerit, illic permansurus, quia primus invexit literas ad nos Græcas, et quia Regi charus est, cujus nomine a præcipuis Magnatibus arctè nobis est commendatus, volumus ut ubiq. et semper omnibus suis privilegiis gaudeat; et, si redierit, locum cum Oratore, sed superiorem, servet et teneat. Ita tamen, ut Orator, qui pro tempore fuerit, officium servet suum, et suis quoq. privilegiis gaudeat, perinde ac Crocus non interesset.

Electio Oratoris.

Eligentur autem singuli post Dominum Crocum futuri Oratores in hunc modum. Infra triduum, si fieri potest, postquam vacaverit officium, convocetur plena Regentium et non-Regentium congregatio, in quâ per majorem partem præsentium apertis suffragiis, ad modum electionis Procuratorum, eligatur unus ad eloquentiam natus, qui græcè pariter ac latinè sciat, ad id muneris

AN.

obeundum. Provisò sempèr, quòd sit omnibus libera facultas, et libertas summa eligendi, quem velint; neq. arctentur per determinationes istas communes Collegiorum.

1528. 2. Item conceditur M^ro. Richardo Doctori Smith, M^ris. Latenam et Langford, ut habeant autoritatem assignandi et augendi stipendium Oratoris ex Ærario communi pro tempore M^ri. Daye: et concesserunt illi 4^lb annuatìm; et pro laboribus, quos superioribus diebus sustinuit, 1^lb. 6^s. 8^d.

Ex Lib. Gratiar.

Stipendium Oratoris auctum. V. etiam inf.

1541. 3. Majores nostri, prudentissimi viri, nihil habuerunt prius et antiquius, quam ut nobis et posteritati hanc Academiam omnium virtutum et bonarum artium generibus quàm maximè florentem relinquerent: hùc omnes suos nervos, hùc omnes semper conatus destinabant; optimis statutis diligentèr providentes, ne quid esset, quod ulla ex parte Reipublicæ decus et honorem minueret, aut labefactaret. Horum nos pio studio, et de studiosis bene merendi promptitudine excitati——— volumus et statuimus, ut omnes primi et secundi anni Regentes in Artibus per semetipsos, in propriis eorum Personis disputare teneantur, nisi petitâ et obtentâ a Vicecancellario et altero Procuratorum veniâ, per alium quempiam suis vicibus disputandi.

De Disputationibus A. M.

Statuimus etiam, ut nemo Regens alicujus Collegii, vel Aulæ, vel Hospitii per alios quam per sui proprii collegii Regentes unquam disputet, nisi consulto priùs et assentiente suæ Domus Præposito, vel ejus vices gerente.

Ad hæc statuimus, ut nullus Regentium dispu-

AN.

tatarus, prodeat ex Tabernis, aut domibus laicis; sed ex aliquo collegio, Aulâ, vel literario Hospitio (ut loquimur); et domestico suo contubernio juxta laudabilem Academiæ consuetudinem pulchrè constipatus.

Numerum autem disputationum sic decernimus: quod nullus Regentium sæpiùs quàm bis in uno et eodem Termino, aut suâ, aut alterius vice publicis sese exerceat disputationibus: neq. id quidem cuiquam licere volumus, nisi ut prædictum est, alicujus collegii cætu ex more honestè concomitato.

Ad hoc Statutum perpetuo in posterum strictè observandum, unusquisq. Regentium sub pœna juramenti sui Academiæ præstiti tenebitur.

Mem. Quòd Jun. 10°. 1573 hoc præsens statutum de verbo in verbum coram Regentibus et non-Regentibus palàm et publicè lectum fuit in domo Regentium, et immediatè proposita, lecta, et promulgata fuit hæc Rogatio, viz.

Pæna nova A. M. non debitè disputantium.

1573. Quum pæna statuti modo lecti valde gravis sit et plena periculi, utpote perjurii; Placeat vobis, ut eadem pæna convertatur in mulctam 40 solidorum; et ut in posterum cooptandi in ordinem Magistrorum in Artibus sub Stipulatione 40 solidorum cum idoneo fidejussore obligentur Dno Procancellario ante admissionem ad diligentem observantiam dicti statuti: et ut hæc concessio vestra pro statuto habeatur; et dicto statuto ascribatur: et dictum statutum quotannis legatur in admissione Inceptorum in Artibus.

A real Caution of 40s. is now paid to the Senior Proctor on this Account. V. inf.

AN.

1573. 4. Conceditur Jun. 10°. 1573°, ut vestrâ autoritate statuatur, nequis Prælector annuus in posterum sua vice alium Prælectorem ultra triduum substituat; nisi majoris partis totius Senatus Regentium et non-Regentium autoritate interveniente, sub pœna 40 solidorum inter Academiam, Procuratores, et Bedellos distribuendorum. De Prælectoribus substituendis.

1573. 5. Conceditur Jun. 19°. 1573°, ut omnes Pensionarii et extranei, quibus Gratia aliqua ad quemcunq. Gradum suscipiendum in aliquo Collegio concessa sit, in eodem Collegio convivari teneantur, ut pares sumptus cum Sociis, et Pensionariis ejusdem Collegii in simili causâ ferant, pro ratione Gradûs, sub pœna sex librarum eidem Collegio applicandarum; et ut hæc concessio pro statuto habeatur. De extraneis, Gradus susceptur is.

1573. 6. Conceditur Jun. 23°. 1573, ut omnis deinceps super Electionem Scrutatorum dissensionis materia omninò tollatur; ut Collegia bina, annis singulis, duos non-Regentes nominent Scrutatores futuri anni, eo ordine qui in nominandis Procuratoribus præscriptus est, incipiendo in sequenti anno ab iis Collegiis, quæ in primo loco constituuntur; et eo ordine et cursu progrediendo et recurrendo: Ac cætera omnia præscripta in Statutis de electione Procuratorum et Taxatorum diligentèr et perpetùo (exceptâ tantum forma Scrutinii dictorum Statutorum) inviolabiliter observentur. Et, ut hæc vestra concessio pro Statuto habeatur; et infra mensem proximè sequentem describatur in libris Procuratorum. De Electione Scrutatorum.

AN.

Jurent Procuratores et Scrutatores deputati.

1575. 7. Conceditur Maii 6to. 1575, cum Procuratores et Scrutatores sæpe ob negotia sua privata abesse coguntur a congregationibus, et aliis publicis muniis Academiæ; ut eorum substituti et vicarii jurejurando astringantur, ad benè et fidelitèr peragendum eorum officium, antequam aliquid in præmissis pertractent.

Nov. 3°.

Ne Scholares jusjurandum fidelitatis præstent Villæ Cantab.

1575. 8. Cum jusjurandum a Scholaribus Cancellario, Magistris, et Scholaribus Universitatis Cantabrigiæ præstitum, et jusjurandum ab oppidanis præstitum Majori Villæ Cantebrigiæ, Ballivis, et Burgensibus, diversa, contraria, et nullo modo convenientia esse videantur; et tamen nonnulli, haud formidantes perjurii periculum, non ità pridèm utrisq. fidem suam astrinxerint, in magnum animarum suarum periculum, et multorum offensionem: Placet vobis, ut singuli, qui aut nunc sunt, aut qui in posterum futuri sunt ex gremio Universitatis, qui posthac accepti beneficii et educationis immemores, se per sacramentum suum Communitati villæ Cantabrigiæ (quasi in aliam coloniam traducti) consociabunt, tanquam degeneres filii ab omni societate, privilegio, et Gradibus Scholarium ipso facto priventur. Et quod Vice-Cancellarius pro tempore existens, postquam sibi innotuerit, aliquem deinceps præstitisse hujusmodi juramentum fidelitatis villæ Cantabrigiæ prædictæ, in proximâ Congregatione Regentium et non-Regentium publicè pronunciabit privationem prædictam Regentibus et non-Regentibus tunc præsentibus. Et si contingat aliquem Oppidanorum, libertates, privilegia, aut consuetudines Universitatis impugnare, aut gravem ingratitudinem adversus Academiam, Scholares, aut

Nullum cum Oppidanis ingratis commercium.

AN.

eorum famulos exhibere, et super hoc judicio Procancellarii, et majoris partis Præpositorum Collegiorum, et aliorum Doctorum tunc in Universitate præsentium convictus fuerit; Placet vobis, ut cum hujusmodi ingrato vel ingratis nullus Scholaris, aut sub privilegio Scholarium hîc degens contrahat, emat, aut vendat sub pæna centum solidorum, communi cistæ Academiæ solvendorum totiès, quotiès in contrarium huic Decreto aliquid attentabit. Et ut hæc concessio vestra pro Statuto habeatur et infra decem dies proximè sequentes in Procuratorum libris describatur. V. inf.

Jan. 7, 1577. 9. Cum de laudabili et multis jam retroactis annis receptâ consuetudine, singuli in ordinem Doctorum cooptati festis quibusdam diebus, et publicis præscriptis conventibus in istâ Charta nominatis in publicum prodire non consueverint, nisi induti togis murice tinctis; Placet vobis, ut singuli hujusmodi prædictam consuetudinem dignam majestate Academiæ inviolabilitèr observare teneantur, sub pænâ et mulctâ decem solidorum legalis monetæ Angliæ publico Academiæ ærario persolvendorum, quotiès eandem violaverint. Quam summam nisi Procancellarius fideliter exigat, ipse eandem de proprio super computationem generalem communis cistæ persolvat. Et, ut hæc vestra concessio pro Statuto habeatur, hujusmodi festi dies sunt: festum natalis Domini, Paschatis, Ascensionis, Pentecostes, Trinitatis, Michaelis, omnium Sanctorum: Magnis Comitiis: feria divi Johannis, et nundinarum Sturbrigiensium: dies initii regni Dominæ Elizabethæ reginæ.

De habitibus Doctorum in festis diebus.

Mar. 23°. 1578. 10. Quoniam sacris concionibus apud populum,

Pro concionibus frequentioribus in templo Acad. sub pœna 10s.

AN.

habendis, non satis videtur per Statuta nostra prospectum esse: Placet vobis, ut deinceps singulis et dominicis et festis diebus, (quibus ex Statuto aliquo, aut receptâ consuetudine concio publica intra Academiam non habetur) singuli cujusq. Collegii, tam Socii, quam Pensionarii, quicunq. Ministri aut Diaconi fuerint, et tertium annum post Magisterii Gradum in Artibus susceptum omninò compleverint; ad concionandum in Academiæ templo tàm ante, quàm post meridiem pro ratione senioritatis, quam in Academiâ obtinent, ordine suo teneantur: vestrumq. hoc Decretum super ea re pro legitimo Statuto habeatur: Cujus exequendi initium fiat die dominico proximum diem dominicum immediatè sequenti, exordio ducto ab eo concionatore, qui cæteros senioritate antecedit; quem perpetuis deinde futuris temporibus, reliqui suis vicibus subsequantur sub pœna decem solidorum cuicunq. ob neglectam vicem infligendâ. Provisò tamèn, ut quotiès quisq. vel ad Procancellarii assignationem, vel ob Gradum suscipiendum concionabitur, idq. decem antè diebus, is, qui alioquìn esset concionaturus, denunciare curabit, cæptus cursus interrumpi queat, sed ità ut idem cursus eodem postèa, quo priùs, modo continuetur atq. observetur.

Jun. 18°.

Ne quis Gratiam, quam petierit, rejiciat. V. inf.

1578. 11. Cum sæpenumero petitiones, quas Gratias nuncupamus, pro Gradibus scholasticis, et aliis Academiæ beneficiis consequendis in Senatu proponantur, quas earundem candidati postea non satis grato animo interpretantes, vel non agnoscunt, vel omninò rejiciunt; unde apud vulgus Academia malè audit, et non parvâ ignominiæ labe aspergitur; Placet vobis, ut qui hujusmodi

AN.

deinceps petitionem Capiti Senatus proponendam curaverit, aut subscripserit, sub vinculo juramenti priùs Universitati præstiti, publico ærario viginti solidos persolvere teneatur ad manus Dominorum Procuratorum infra octo dies postquam constiterit, candidatum aut nolle, aut per temporis decursum non posse hujusmodi Gratiis gaudere. Et, ut hæc concessio pro Statuto habeatur, et observetur.

Dec. 16,

1580. 12. Cum his quatuor aut quinq. annis proximè elapsis, multi Artium Magistri parvi pendentes jusjurandum suum Academiæ præstitum, aut fidejussorum suorum securitatem, disputationes suas philosophicas intermisserint, in magnum Academiæ dedecus, et detrimentum Baccalaureorum, qui audirent aut responderent: Placet vobis, ut singuli non Socii alicujus Collegii, deinceps in ordinem illum cooptandi, ante eorum admissionem realem cautionem 40ˢ. deponant in manibus senioris Procuratoris, de cursu suo in disputando benè et fidelitèr observando; quæ summa illis integra restituatur, postquam compleverint præfatas disputationes: et, ut hæc concessio vestra pro Statuto perpetuo habeatur, et in libris Procuratorum conscribatur infra decem dies proximè sequentes.

De Cautione A. M. non Sociorum.

Ex Lib. Gratiar.

Jun. 30,

1581. 13. Conceditur, ut quicunq. ad Gradum aliquem in posterum provectus fuerit, ad augendum Bibliothecarii stipendium modo sequenti conferat, viz.

De Augendo Bibliothecarii stipendio. V. Decr. Præf. inf.

		s.	d.
Bac. in Artibus	-	0	4
Incept. in Artibus	-	0	8

AN.

	s.	d.
Bac. in Jure - -	0	8
Bac. Theologiæ -	1	0
Doctor cujuscunq. Facultatis	1	4

Atq. ut hoc Decretum pro Statuto deinceps habeatur.

Ex Lib. Gratiar.

Mai. 9,

De Gratiis suppositiis. *V. Sup.

1584. 14. Cum per *Statuta vestra prudenter cautum sit, singulos in viginti solidis mulctandos, qui alicui Gratiæ subscripserint, quam Candidati postea grato animo non acceptaverunt: et quidam huic legi in Expilationem ærarii publici, et Academiæ manifestum scandalum, per petitiones suppositias fraudem facere moliuntur: Placet vobis, ut dictis Statutis in suo robore perpetuo manentibus, hujusmodi clandestinæ petitiones, vestro suffragio et Authoritate ratæ, pro nullis habeantur, et hujusmodi subscriptores ad debitæ mulctæ solutionem astringantur.

Ex Lib. Gratiar.

Jun. 2,

De augendo Oratoris stipendio.

1587. 15. Cum Oratoris vestri munus, multis expositum laboribus, parvo admodum stipendio compensetur, parum digno tam honestæ existimationis officio; Placet vobis, ut in annuum hujus stipendii incrementum, singuli deinceps admittendi ad respondendum Quæstioni sex denarios; et singuli admittendi ad incipiendum in Artibus duodecim denarios Oratori solvant. Et, ut hæc concessio vestra libris Procuratorum infra decem dies inserta pro Statuto in perpetuum habeatur.

Jun. 12,

Oppidani suspensi in gratiam non, nisi a Senatu, recipiendi.

1587. 16. Cum superioribus hisce diebus quidam Oppidani propter demerita sua, et intolerabilem ad-

AN.

versus Academiam et Academicos ingratitudinem, a contubernio Scholarium sunt suspensi: et Scholares, et eorum famuli cum eisdem quovis modo contrahere, aut negotiari, strictè, et sub gravi mulctâ sunt interdicti: Placet vobis, ut hujusmodi antedicta decreta, et in posterum decernenda, vestrâ autoritate rata, et firma habeantur; et in posterum minime rescindantur sine consensu et assensu totius Senatus: Et, quòd hæc rogatio pro Statuto habeatur, et in libros Procuratorum describatur infra decem dies proximè insequentes. Et insuper, ut singuli Academici cautiores sint, et mulctam præscriptam devitent, ut hæc rogatio singulis futuri temporis Terminis palam et publicè per alterum Procuratorum prælegetur in plenâ et frequenti Senatu, una cum nominibus omnium et singulorum, sic ut prædicitur, suspensorum. Vid. Sup.

Ex Lib. Gratiar.

Feb. 13°.

1593. 17. Cum Academiæ Statuto de causis forensibus cautum sit, ut omnes lites, si fieri possit, intra triduum terminentur; nec causæ appellationum ultra decem dies, si fieri itidem possit, post datos judices protrahantur; usu autem jam compertum sit, quorundam malitiâ factum esse, ut multæ appellationes, non tam bonâ fide quam vexandorum adversariorum gratiâ ab hominibus litigiosis interpositæ fuerint: idcircò, ut huic incommodo in posterum omninò subveniatur; Placet vobis, ut unanimi Procancellarii, Doctorum, Magistrorum Regentium, et non-Regentium autoritate decretum, et statutum sit; ut in omni deinceps appellatione quælibet pars appellans, una cum Advocato, Patrono, et Procura- De Appellationibus.

AN.

tore suo, statìm post appellationem sive a Commissario, sive a Procancellario factam, præstet juramentum corporale coram judice a quo, quod in conscientiâ suâ justam habent causam appellandi. Præterea etiam, ut, appellatione a Procancellario ad Academiam factâ, utraq. pars, tam appellans, quam appellata, et utriusq. etiam partis Advocatus, Patronus, et Procurator similitèr juramentum præstent corporale, quod neq. directè, neq. indirectè, neq. per se, neq. per quempiam alium, Septemviros, apud quos potestas est delegatos judices nominandi, sollicitent ad assignandum aliquem Delegatum, sed ipsorum arbitrio talem nominationem liberè permittent. Et, ut quæcunq. appellationes deinceps in quibuscunq. forensibus controversiis, sive ab interlocutoriâ sententiâ sive definitivâ interponentur, eas intra 40 dies proximè post inhibitionem factam numerandos, quocunq. impedimento non obstante, delegati judices virtute juramenti sui Academiæ præstiti determinare teneantur; nisi forte per appellantem steterit hujusmodi dilatio; quo in casu irrita sit appellatio, et pro desertâ habeatur. Proviso sempèr, ut quotiès propter pestem in Academiâ aut urbe Cantebrigiæ grassantem, dies juridici a Domino judice juxta morem Academiæ non teneantur; quamdiù ejusmodi impedimentum duraverit, tamdiù hoc Statutum locum non habeat. Præterea, ut appellationes quascunq. jam pendentes coram Delegatis quibuscunq. Delegati designati intra centum dies immediatè debinc sequentes, quocunq. impedimento non obstante, virtute juramenti sui Academiæ præstiti terminare teneantur: nisi forte, ut suprà, per partem

AN.

appellantem steterit hujusmodi dilatio; quo in casu irrita similiter sit appellatio, et deserta habeatur. Et, ut hoc Decretum vestrum pro Statuto habeatur; et in libris Procuratorum infra decem dies immediatè sequentes inscribatur.

Mai. 3.

1603. 18. Forasmuch as it hath pleased Almighty God to call to his mercy the high & mighty Princess Queen Elizabeth, our late soverain, from whom the body of this University hath received innumerable & unspeakable benefits, which neither can nor ought to be forgotten; May it please you, that yearly for ever hereafter the * Preacher of the University, or his Assignee in his sermon ad Clerum, whereunto he is tyed by the Statutes of this University, may give God thanks, as well for her faithfull departure out of this life, as also for her inestimable favours bestowed upon us. Wherein we shall not only perform our dutys; but also give occasion to her successors, for our mindfulness of her Majesty, to esteem the better of us.

Commemoration of Queen Elizab.

* Margaret Preacher.

Jun. 9°.

1603. 19. Placeat vobis, ut quicunq. doctrinam, vel disciplinam Ecclesiæ Anglicanæ, vel ejus partem aliquam, legibus publicis stabilitam, scriptis, vel dictis vel quocunq. modo in Academia Cantebrigiæ oppugnaverit, ab omni Gradu suscipiendo excludatur, et a suscepto suspendatur ipso facto.

De Oppugnatoribus Eccles. Anglicanæ. V. Sup.

Oct. 10.

1607. 20. Cum Academiæ * Statuto cautum sit, ut omnes lites et causæ, quæ ad Universitatis notionem pertinent, et Procancellarii et Commissarii judicio subjiciantur, intra triduum si fieri potest, finem accipiant; Placet vobis, ut si quispiam

* Sup. Limitatio de Fœdis Advocatorum.

AN.

Advocatus, vel Procurator Fædum, vel mercedem, vel pecuniam ullam, aut aliquod, quod pecuniâ æstimari potest, post tertium diem juridicum a quopiam acceperit; ipso facto officio suo, ministerio, et loco privetur, et ut sempèr deincèps inhabilis sit ad causas tractandas coram Procancellario.

Jul. 3tio.

De Disputationibus in Magnis Comitiis.

1608. 21. Disputatio Theologica tam in Vesperiis quam ipso Comitiorum die hora octava inchoetur; nec omninò ultra duodecimam protrahatur. huic ne sint impedimento lectiones in vesperiis ordinariæ horâ septimâ incipiant. Philosophica disputatio in Vesperiis ab horâ primâ erit usq. ad tertiam; in die a disputatione Theologicâ finitâ ad secundam; nec omninò ultra tertiam protrahatur. Horarum quæ supersunt alteram in jure civili, alteram in Medicinâ disputationibus assignamus. Ipsam deniq. Comitiorum calcem musicâ disputatione ab hujusce Facultatis Inceptore præstanda aut procuranda una cum hymno claudi volumus. Baccalaureus vero in musicâ, si non in Comitiis saltem in Scholis publicis pro Gradu respondebit, vel quæstionem in ea scientia legendo latino sermone determinabit. Quod si in jure civili vel Medicinâ nulla sit futura in Comitiis disputatio, reliqua (verùm disserendo potiùs quàm dicendo) poterunt aliquanto produci. In disputatione Theologicâ utrâq. Procancellarius erit Moderator ac Determinator, (si Theologus fuerit atq. ipsi placuerit) sìn minùs, alius in Theologia Doctor a Procancellario assignandus juxta Statuta regia. Reliquarum Facultatum disputationes Procuratorum operâ regantur; ità tamèn ut singulis disputationibus eos,

De hac authoritate Procuratorum. V. inf.

AN.

qui in eâ Facultate professionem fecerint, (si commodè haberi possint) præficiant. Moderatoris in quavis Facultate partes erunt, inter disputandum expatiantes revocare, tempori prudentèr juxta præscriptos modo limites moderari: si argumento cuipiam Respondens non plenè satisfecerit, tunc, et non antea, nodum, si voluerit, solvere: melioris notæ opponentibus uberiorem disserendi copiam, modo non prodigè, concedere. Ejus oratio interlocutoria nec prolixa sit nec nimiùm crebra; verum rationibus propositis in formam redigendis, urgendis, demumq. repellendis accommodata: eidem si quis disputantium secundò monitus parere recusaverit, immodestiæ et inobedientiæ notam ipso facto incurrat. Nulla in quacunq. Facultate Moderatoris, Patris, Procuratoris, aut Respondentis determinatio, quæstionis explicatio, seu quæcunq. alia continuata dictio dimidium horæ ad summum superet; in brevius autem spatium compingi in Philosophiâ Respondentium Moderantium, Prævaricantium orationes, nec non Patris Theologici, (si qua ante evocatum respondentem uti velit) præfatiunculam, æquum judicamus: a quo, ut a reliquarum Facultatum Patribus, ne tempori obsint, filios Doctoratûs candidatos solitis ceremoniis simùl semèlq. ornandos censemus. Oppositio omnis prorsus syllogistica esto, semota omni et excursione, et prolixiore, præsertìm quæ ad causam non attineat, præfatione: quod si quis subitanea pollens dicendi facultate, ad Respondentis explicationem refutandam se accinxerit, veniâ a moderatore concessâ, semel tantum brevitèrq. agat: quam etiam Respondenti suam ab adversario læsam defensionem

AN.

resarciendi copiam, non denegamus. Penes candidatos etiam citra quæstiones propositas paucula præfandi arbitrium esto. Respondens singulos Opponentium Syllogismos distinctè repetat; ad aliquam propositionem aut terminum directè brevitèrq. respondeat; a fusiore dictione inter disputandum abstineat; nisi cum obscurioris alicujus responsi sensum, citra disputationis impedimentum, explicaturus sit. Scurrilis omnis dicacitas, ineptæ, impuræ, inurbanæ facetiæ, rixæ, convitia, theatralem cachinnum moventia, ab auribus orisq. Academicorum longe exulent: sales tamèn venustos, ac literatâ suavitate conditos inter philosophandum, præsertim in prævaricatore, approbandos et laudandos etiam censemus. Loca comitiorum editissima, quæ in ambitu sunt, Doctores et melioris notæ peregrini occupent, cautione habitâ, ne Doctoribus opponentibus molestiæ sint aut impedimento: Interiores quæ Gradibus distinguantur sedes, Magistri Artium in habitu suo ornati vendicent: Baccalaurei Artium in infimâ areæ parte consistant. Quod si quis, infra Magisterium constitutus, locum Gradu suo superiorem arripuerit, nisi Artium Magistro jubente, statim cesserit, solitæ censuræ subjiciatur.

Præmissæ Comitiorum leges quotannis in domo Regentium per Procuratorum alterum circiter undecimam diem Junii publicè perlegantur.

Quum in disputationibus comitialibus (ex quarum celebritate de Academiæ honore agitur) de singulis circumstantiis ad decorum ordinemq. spectantibus per Statuta regia satis non sit provisum; unde temporum progressu varios defectus, et excessus etiam advenis ingratos Academia

AN.

experta est: Placet vobis, ut harum disputationum forma quædam concepta, scriptis mandata, modo lecta, Statutis regiis non adversa, vestris judiciis approbetur, pro Statuto habeatur, et in libris Procuratorum describatur.

Oct. 24,

1609. 22. Cum Statutis Academiæ nostræ cautum sit, ut omnes causæ in aliqua Curia Universitatis motæ, omni juris sollennitate semota, et solâ facti veritate inspectâ, debitè terminentur infra triduum, si commodè fieri possit: quæ quidem Statuta (inter alia) quilibet Advocatus, Procurator, et alii omnes sese ad postulandum gerentes in Curiis prædictis virtute juramenti strictè tenentur observare: Quibus tamen non obstantibus jampridem omnes pæne lites coram Procancellario et Commissario Universitatis nostræ inceptæ potius in triennium quam triduum prorogantur, in manifestam privilegiorum et Statutorum nostrorum violationem, honoris et jurisdictionis Academiæ scandalum et opprobrium, et litigantium vexationem et dispendium: Placet itaq. vobis, ut subsequens ordo in omnibus et singulis causis posthæc in curiis Universitatis motis vel movendis strictè observetur, viz.

De Causis Forensibus intra septem dies finiendis.

Imprimis, arctetur reus, si possit apprehendi; si non possit, fiat citatio peremptoria viis et modis: reo capto seu bonis suis, ex primo Decreto salvâ custodiâ custodiatur, donec fidejubeat coram Academiæ Registrario, vel ejus deputato, se compariturum proximo die juridico ex tunc sequenti; et sic posteà quolibet, &c. Reo autem non comparente statim luant fidejussores sine favore.

Insuper juxta tenorem Statutorum Academiæ

nostræ, principales personæ factum ipsum per se proponant, viz. Actor per se suam actionem, et Reus suam defensionem; nec defensores vel Procuratores admittantur pro iisdem, nisi adversa valetudine vel aliâ legitimâ causâ per Dominum Procancellar: approbandâ sint detenti, quo minus in judicio sui præsentiam poterint exhibere: de quibus in principio coram Domino Procancellario, vel Commissario, vel delegatis judicibus fidem faciat juramento; quo præstito, et causa utrinq. declaratâ, et non antea admittantur. His omnibus (sicut præcipitur) factis et observatis.

Primo die juridico detur materia, sive fiat facti declaratio; fiat etiam litis contestatio; et præstet reus juramentum de fidelitèr respondendo; et moneatur ad subeundum examen infra triduum, (nisi causæ sint leviores et ordinariæ, in quibus judex potest statim tam partes principales, quam testes, si quos præsentes habent publicè interrogare et examinare de veritate facti, et omni solennitate prorsùs semotâ, causam statim finalitèr determinare) sed utcunq. triduo elapso, vel antea, si fieri possit, habeat Actor Copiam responsi, ut videat an opus habeat ulteriori probatione, et sciat quod ultra ei faciendum habeat etiam ad probandum in proximum, et post triduum exeat compulsorium pro testibus.

Secundo die juridico veniat Actor paratus ad probandum, et testes suos producat, si quos habeat; testes judex in levioribus et ordinariis causis potest, ut supra, publicè interrogare de veritate materiæ sive allegationis, et statim causam finaliter determinare: sin longior causa sit, et altiorem examinationem requirat, habeat reus

AN.

hìdiuum pro interrogatoriis, et intra principium tertii diei, et diem proximum juridicum examinentur testes, tam super materiâ originali Actoris, quam super interrogatoriis per Reum datis.

Tertio die juridico publicentur dicta testiūm, et assignetur ad Sententiam in proximum, et proximo feratur Sententia, nisi Reus velit excipere: si velit, Reo detur proximus ad excipiendum, quo die adveniente respondeat Actor, ut supra Reus Actori, et præstet juramentum, et subeat examen ut supra, et Reo detur terminus ad probandum, et fiat, ut supra, Actori.

Quarto die producantur testes Rei, si quos habeat, qui juramento suscepto moneantur examinari citra proximum: reliquaq. fiant per judicem vel in publicâ testium examinatione, vel in concedendis alteri interrogatoriis, quæ secundo die juridico fiebant de testibus Actoris.

Quinto die publicentur dicta testium Rei, assignetur ad Sententiam proximo, et ad informandum interìm.

Sexto die feratur Sententia.

Septimo et ultimo, nisi interim ab altera parte appellatum fuerit, mandetur Sententia executioni.

Placet etiam vobis, ut quilibet Advocatus, Procurator, sive causarum defensor, nec non quilibet Officiarius Curiarum Academiæ nostræ virtute juramenti sui corporalis, per eorum quemlibet præstandi, præmissa omnia et singula strictè teneantur observare, priusquàm in ullis causis in posterum in dictis Curiis movendis admittantur: et, ut iste ordo et hæc concessio vestra pro Statuto habeatur; et in libris Procu-

AN.

ratorum infra decem dies jam proximè sequentes inscribatur.

Aug. 3de.

Graces for any Alienations not to pass, but in 3 Congregations. V. inf.

1612. 23. Are you pleased, that no Grace shall pass in the Regent house touching the leasing, granting, alienating, or disposing of any your lands, tenements, hereditaments, or any other right, or estate of inheritance, or for Life, or term of years, belonging to the University; or touching any alienation of any right any way belonging to the University, before the same Grace hath been read in three several Congregations or Convocations, or in the same Congregations or Convocations continued. And if any such Grace shall hereafter pass, contrary to the provision of this Grace, that the same be void to all intents & purposes. And, that this your grant be a Statute, & written in the Proctors books within fifteen daies now next following.

Jun. 2°.

De Subscriptione Doctorum, et Bac. S. S. T.

1613. 24. Placet vobis, ut juxta tenorem Literarum a serenissimo Rege Jacobo missarum, hoc in Senatu decernatur: ut nullus in posterum sibi concessam habeat Gratiam pro Gradu Bacculaureatûs in Theologiâ, vel Doctoratûs in aliquâ Facultate adipiscendo, qui non priùs coram Domino Procancellario, aut ejus deputato, tribus Articulis, viz. regii Primatûs, Leiturgiæ Anglicanæ, et Articulorum Religionis, de quibus convenerunt Archiepiscopi et Episcopi A. D. 1562 propriâ manu suâ subscripserit. Et, ut hæc concessio vestra loco Statuti habeatur, et in libris Procuratorum infra decem dies inscribatur,

Feb. 7°.

De Stipendio Oratoris iterùm augendo.

1613. 25. Quum Oratoris vestri munus, multis expositum

AN.

Laboribus, parvo admodum stipendio compensetur, parum digno tam honestæ existimationis officio, nec ei, quo Academiæ Oxoniensis Orator gaudeat dimidia ex Parte pari: Placet vobis, ut in annuum ejus, quo jam fruitur, stipendii incrementum, singuli deinceps admittendi ad respondendum Quæstioni, et ad incipiendum in Artibus duodecim insuper denarios Oratori solvant: Et, ut hæc concessio vestra Procuratorum libris infra decem dies inserta pro Statuto in perpetuum habeatur.

Maii 14°.

1624. 26. Cum singula negotia Academica non nisi cum magna deliberatione transigi debeant: cumq. subita suffragiorum præcipitatio magna secum trahere soleat incommoda: Placet vobis, ut unanimi Procancellarii, Regentium, et non-Regentium autoritate statutum et decretum sit; ut omnis Bonorum Academiæ mobilium vel immobilium alienatio, vel ad firmam dimissio, vel ad Beneficium Præsentatio, vel deniq. qualiscunq. concessio (ubi contrarium non sit specialiter provisum in Statutis) duarum Congregationum moram expectat; quarum in primâ legatur tantum et proponatur, et non nisi per alterius congregationis suffragia rata habeatur: hac etiam interposita cautione, ut si prior Congregatio antemeridiana fuerit, posterior sit a meridie; sin prior pomeridiana fuerit, non nisi crastino die, aut intra septimanam transigatur: alitèr de novo Senatui secundum hanc formulam præmissam proponatur: et si secus fiat, omnis hujusmodi Bonorum alienatio, vel ad firmam dimissio, vel ad Beneficia præsentatio, vel qualiscunq. deniq. concessio nulla et irrita habeatur.

De Gratiis in duabus Congregationibus legendis. V. Sup. & inf.

AN.

Quo tamen Statuto vestro Nobilium et Oxoniensium, et Questionistarum hujus Academiæ, præsentanea admissio non impediatur. Et ut hoc Decretum vestrum pro Statuto habeatur inq. Procuratorum libris infra decem dies immediatè sequentes inscribatur.

Maii. 14.

De Patre ab Inceptoribus eligendo.

1624. 27. Placet vobis, ut non nisi alter é Procuratoribus ad munus Paternitatis in majoribus Comitiis ab Inceptoribus in Artibus quotannis eligatur. Qui sic electus non alium quâcunq. de causâ sibi ad id munus obeundum substituet, præterquam in quem Procancellarius et major pars Præfectorum Collegiorum consenserint ; ita tamen ut universa emolumenta quacunq. ratione, quà Statuto, quà consuetudine Patri contigerint, inter binos Procuratores æquo jure distribuantur: Et, ut iste ordo, et hæc concessio vestra pro Statuto habeatur et in libris Procuratorum infra decem dies jam proximè insequentes inscribatur.

Jan. 28.

De Doctoribus Medicinæ transmarinis.

1624. 28. Placet vobis, ut quicunq. in partibus transmarinis Gradum Doctoratûs in medicina susceperint ; et postea in hac celeberrimâ Academiâ Cantab. ad eundem Gradum admitti, seu apud vos (incorporari ut dicitur) postulaverint ; disputationem more Respondentium in hac Academiâ in sua Facultate perficiant, priusquam admittantur, seu incorporentur: et senioritatem tantum habeant in hac Academiâ ab eo die, quo admissi fuerint: nisi alitèr ex justâ causâ per majorem partem Regentium et non-Regentium approbanda, per Academiam dispensatum fuerit. Quod si quis alitèr admissus, aut incorporatus fuerit, ut ejus admissio seu incorporatio pro

AN.

nulla habeatur: atq. ut hoc decretum vestrum Statuti deinceps vim obtineat; et infra decem dies in libros Procuratorum referatur.

Maii 14°.

1628. 29. Cum aliqui ad respondendum Questionì admissi, contra usitatas consuetudines hujus Academiæ, et ante tempus in Statutis nostris præscriptum, in ordinem Magistrorum in Artibus cooptati fuerint: Placet vobis, ut omnes ii, quibus post ultimum actum, et ante decimum quartum Januarii, vestra dignitas admissionem ad respondendum Quæstioni in posterum concesserit, virtute juramenti Academiæ præstiti obstringantur; se neq. hic, neq. Oxonii, cum Gradum Magisterii ambiant, Terminorum computum facturos ab ea admissione; sed a finali determinatione admissionem subsequenti: utq. hoc decretum vestrum pro Statuto habeatur; et in Procuratorum libris infra novem dies inscribatur; et in eorum admissione perlegatur in hæc verba.

Terminorum computus Bac. ad Bapt. unde faciendus?

Statuimus etiam, quod unusquisq. ad respondendum Questioni post ultimum actum et ante 14^m. Januarii admissus, virtute Juramenti Academiæ præstiti obstringatur; se neq. hic, neq. Oxonii, cum Gradum Magisterii ambiat, Terminorum computum facturum ab admissione; sed a finali determinatione in Quadragessima, admissionem suam subsequente.

Jan. 21°.

1631. 30. Cum in approbandis iis, qui Gradum Baccalaureatûs in Artibus suscepturi sunt, Statutis cautum sit, ut una cum Procuratoribus, duo in Artibus Magistri a majori parte Regentium deputentur, qui omnes dictum Gradum ambientes, examinare et probare teneantur; nihilq. certi

De Fœdis Examinatorum. V. inf.

AN.

stipendii huic Negotio operam navantibus a prædictis Statutis assignetur; unde eorum aliqui, suo arbitrio rem permissam arbitrati plus æquo a nonnullis exegerint: Placet vobis, ut nec Examinatores a vobis hoc anno electi, nec in posterum eligendi, ab aliquo eorum qui in publicis Scholis se examinandos steterint, ultra 20 denarios: eorum vero, qui inibi publicum examen non subierint, ultra 40 accipiant Et siqui contra fecerint, ipso facto totum istius muneris emolumentum communi cistæ persolvant, et suffragiis suis in Senatu per biennium priventúr. Atq. ut hoc vestrum decretum pro Statuto habeatur, et in libros Procuratorum intra decem dies referatur.

Feb. 11°.

Pro commemoratione Benefactorum, V. inf.

1639. 31. Cum frequens et repetita beneficiorum acceptorum commemoratio pietatem Academicam maximè commendet, prorogandæ benevolorum hominum famæ plurimùm inserviat, et aliorum beneficentiæ in posterum exercendæ clarissimum exemplum præbeat, tanquam virtutis, et præteritæ præmium, et futuræ incitamentum: Placet vobis, ut, ad supremi Numinis majestatem venerandam, ad beneficorum et liberalium hominum memoriam ab interitu asserendam, et Academiæ gratitudinem in perpetuum testificandam, in die dominico, qui ante tertium Novembris proximus est, sollennis et anniversarius omnium ordinum Academicorum conventus, in Ecclesiæ B. Mariæ ad horam nonam indicatur; et inter divinorum officiorum solennitates, eodem ordine, quo in Collegiorum privatorum commemorationibus per Statuta Academiæ præscribuntur, observatas, extraordinarius aliquis concionator (ex delectu et arbitrio Procancellarii ad hoc munus

AN.

pro tempore assignatus) concionem habeat: Ut, post finitam hujusmodi concionem, Fundatorum, et Benefactorum nomina apertè et singulatim ab eodem recitentur, nec non et beneficiorum multitudo simul atq. amplitudo, quibus Academiam hanc nostram vel adauxerint, vel exornaverint, in publicum proferantur: Ut, quicunq. in futurum eodem studio, eadem animi benignitate Academiæ Cantab. utilitatem et dignitatem promovebunt, eundem apud nos honorem, eandem nominis celebritatem exinde consequantur: Ut, nullo ad matutinum concionandi officium, ordinario cursu, illo die nominato, conscripta atq. usitata concionatorum series inoffenso ordine progrediatur: Ut, venerabiles viri D^{r}. Procan. D^{r}. Ward, D^{r}. Cumber, D^{r}. Lany, et D^{r}. Stern, una cum M^{ro}. Molle Oratore, M^{ro}. Hutton, et M^{ro}. Greenhagh Procuratoribus, et M^{ro}. Honywood; sive hi omnes, sive horum quinq. aut quatuor huic negotio præficiendo exequantur: qui Autoritate vestra communiti, acta publica revolvant: archiva consultent; prædicta nomina beneficiaq. exscribant, colligant, et in ordinem disponant, eorumq. numerum et recensionem manibus suis subsignatam ante festum Sancti Lucæ proximè secuturum hîc in plena Congregatione vobis repræsentent: Ut, hæc ipsa personarum enumeratio, et beneficiorum quotannis in die dominico, ante magna Comitia proximo, ab antemeridiano concionatore post absolutam concionem pronuntietur; omissa tamen illo tempore sacrorum prædictorum celebratione: Ut, nulli itidem eodem die ad vices concionandi consueto more designentur: sed penes solum Procan. potestas semper sit duos ex Inceptoribus aut

AN.

Baccalaùreis in Theologiâ ejusdem Anni, aut alios quosvis pro arbitratu suo prospiciendi; qui illo die concionandi officio tam ante quam post meridiem defungantur. Placet etiam vobis, ut hoc decretum vestrum post prædicta Benefactorum nomina collecta, et vobis repræsentata Statuti vim et locum obtineat; et intra decem dies Procancellarii et Procuratorum libris inseratur.

Recensio autem Benefactorum a Procan. et cæteris supra nominatis collecta, in ordinem digesta, manibusq. suis subsignata, per eundem Procan. in plenâ Congregatione recitata fuit 10°. Oct. 1640; et repetita sermone vulgari 17°. ejusdem mensis.

Mar. 26.

De falsò prætendentibus Procuratoriam potestatem.

1640. 32. Cum nonnulli nuper Procuratorum Autoritatem ementiti, communem pacem turbaverint, Incolarum Cantebrigiensium domos invaserint; et non solum tumultuosas, sed etiam funestas rixas excitaverint; unde gravissima infamia intra Academiam orta, in plurimas hujus regni partes diffusa sit: Placet vobis, ut, ad disciplinam Academiæ vindicandam, ad enorme hoc dedecus depellendum, et tranquillitatem hîc publicam firmandam; quicunq. in posterum falsam, et indebitam Procuratorii muneris dignitatem vel potestatem sibi arrogaverint, sub eoq. prætextu Cantabrigiensem villam, aut aliquam ejus Partem pervagati fuerint, cujusq. ædes vexaverint, Oppidanos, Academicos, sive etiam peregrinos, injuriâ, contumeliâ, vel damno affecerint; sine ulla cunctatione carceri per quatuordecim dies includantur; neq. inde prius liberentur, quàm 40

AN.

solidos pro admisso facinore in manus Procancellarii deposuerint, ad usum communis cistæ applicandos. Quòd siqui eo temeritatis, ac petulantiæ processerint, ut semel in hoc flagitio deprehensi, in idem iterùm impingant; decreti hujus vestri autoritate ab Academiâ amoveantur protinùs, et expellántur ipso facto. Placet etiam, ut hæc concessio vestra Statuti loco habeatur, et infra decem dies Procancellarii et Procuratorum libris inseratur, nec non in singulis Collegiis infra septimanam proximam promulgetur.

Ex Lib. Gratiar.

Dec. 9,

1645. 33. Cum 24° Nov. 1606 concessum erat ab Academiâ, (prout patet ex Registro vestro) ut quivis Procancellariatûs munere ornatus, ipso facto idoneus sit, ad Gradum Doctoratûs in quacunq. Facultate suscipiendum, et ad plenariam admissionem creationemq. in frequenti Senatu obtinendam: ita tamen ut eadem annorum intervalla, eadem exercitia, eædem solutiones præstentur, quæ ex veteri instituto præstari solebant, nisi speciali Gratiâ aliter per Academiam dispensatum fuerit: atq. ut hæc concessio pro Statuto in perpetuum habeatur, et in libris Procuratorum inscribatur. Cumq. hæc concessio in libris Procuratorum non reperiatur inscripta, sed viribus cassa habeatur: Placet vobis, ut dicta concessio in pristinum vigorem restituatur, et Autoritate vestrâ firma rataq. fiat, ac perpetuis temporibus futuris vim Statuti obtineat, inq. libris Procuratorum infra decem dies proximè sequentes inscribatur.

Quod Procan. sit idoneus ad Gradum Doctoratûs.

This is inconsistent with Stat. Eliz. Cap. 21, & there has been no practice upon it.

AN.

Mar. 20,

De Juramentis Graduatorum.

1645. 34. Cum ad observationem quorundam Statutorum in Graduatorum admissionibus legendorum singuli teneantur virtute juramenti sub pœnis variis in dictis Statutis (prout in libris Procuratorum integra habentur) expressis; quarum quidem pœnarum in dictorum Statutorum particulis in dictis admissionibus legendis, nulla sit mentio: Placet vobis, ut singuli ad Gradum aliquem in posterum admittendi, jurent expressè, se vel Academiæ Statuta (quatenùs ipsa ad se spectant) fideliter observasse et observaturos; vel monitiones, correctiones, et pœnas dictorum Statutorum transgressoribus incumbentes sine contradictione quacunq. humilitèr subiisse atq. subituros. Et ut hæc vestra concessio pro Statuto habeatur, et in libris Procuratorum infra decem dies proximè sequentes inscribatur.

Oct. 10,

De compotis cistarum reddendis.

1646. 35. Cum per quinquennium proximè elapsum nulla ratio computi cistæ Fenne et Neele, non sine magno Academiæ incommodo, reddita fuerat: Placet vobis, ut Custodes et Auditores dictæ cistæ Fenne et Neele quotannis in posterum supervideant statum, et rationem ejusdem reddant. Et reliquarum etiam cistarum, viz. Billingford, et *Bowser*, Darlington, et Exceter, et Trinitatis, eodem tempore quo generalis computus communis cistæ coram auditoribus ejusdem habeatur: atq. ut hæc concessio vestra pro Statuto habeatur, et intra quatuordecim dies in libros Procuratorum inscribatur.

Bowser.

Nov. 27,

De ordinandis Munimentis.

1646. 36. Cum commissio vestra Dec. 15, 1621, de scriptis munimentis Academiæ perscrutandis inq.

AN.

ordinem redigendis, et in salva custodia reponendis quo publico usui esse possint, facta dignissimis viris Dño Procan: tunc temporis existenti, una cum aliis in dictâ concessione nominatis, debitum effectum adhuc non sit consecuta: conceditur, ut ejusdem rei fidelis cura de novo demandetur dignissimis viris Dño Procan. Doctoribus Love, Minshull, Forth; Dñis Procuratoribus, Mris Whitchcot, More Caii, Rhodes, Hobart, Crouch, Whin; sic ut consimili authoritate vestrâ muniti, liberum et licitum sit eis vel aliquibus eorum quinq. (quorum Dnus Procan. semper unus sit) eandem commissionem vestram quoad poterint fidelitèr adimplere.

Nov. 28,

1646. 37. Cum Statutis cautum sit ut Medicinæ Baccalaureus tres Anatomias videat, Medicinæ studiosus duas; regiusq. in Medicina Lector unam quotannis faciat, modo Auditores impensas persolvant; verum per aliquot jam retro annos, quo exiguo sumptui parceretur, cessatum prorsus fuerit ab Anatomiis faciendis in præclarissimæ facultatis Medicæ Chirurgiæq. ingens apud nos detrimentum, inq. Statutorum et studiosorum fraudem non ferendam: Placet vobis, ut communi hac vestrâ concessione (in libris Procuratorum inscribenda, et pro Statuto in quinquennium subsequens habendâ) provisum de cætero atq. ordinatum sit ad impensas unius saltem Anatomiæ quotannis suppeditandas; ut Procuratores a singulis, qui Gratiam hic aliquam in Medicinâ aut Chirurgiâ obtinent, ejusdem rei respectu exigant tredecim solidos et *octo* denarios; a singulis vero admittendis ad respondendum Quæstioni, vel ad *Quatuor.*

De impensis pro Anatomiâ suppeditandis.

AN.

incipiendum in Artibus eodem intuitu exigant unicam tantum drachmam, atq. istas summas, pro Receptorum ratione, cistæ communi fidelitèr persolvant in crastino diei Cinerum atq. magnorum Comitiorum. Procancellarius vero á singulis Sociis Coll. non Doctoribus, quos Medicæ professionis privilegio gaudere constabit, mense Junio quotannis exigat decem solidos solvendos per Mrm Collegii aut Bursarium ejusdem, ad petitionem Procan. per Bedellum; atq. applicandos eidem cistæ in computo. Idem deniq. Procan. Lectorem in Medicinâ Regium ineunte Termino post primum Diem Januarii moneat, ut se ad legendum paret, locumq. ipsi, cum postulaverit, opportunum, et dies tres aut quatuor assignet Anatomiæ faciendæ: et in crastino finitarum lectionum suarum Anatomicarum, persolvat ipsi ex cista communi impensas omnes, tam pro instrumentis, quam pro mercede eorum, quorum opere usus est, in cadavere advehendo, dissecando, sepeliendove, cæteraq. quæ par est in Anatomiâ fieri, peragendo. Proviso sempèr, quod si intra hoc quinquennium prælectiones istæ Anatomicæ ex aliquo defectu omittantur, etiam et solutiones omnes supradictæ in eundem annum paritèr omittentur.

Dec. 16,

De augendo stipendio Registrarii.

1646. 38. Cum Matthæi Whinn Registarii vestri munus plurimis expositum sit laboribus; cumq. emolumentum, quod subscriptionum nomine prædecessoris sui fædis accesserat, jam penitùs extinctum sit; et reliqua fæda, quæ ei ex hoc munere suo accrescunt, tam sint exigua, ut officio tam oneroso obeundo haud sufficiant: Placet vobis, ad

AN.

summam ejus diligentiam in dicto munere fungendo excitandam, stipendium illius aliqua ex parte auctiùs reddere, concedereq. ut, (cum antehac singuli qui ad respondendum Quæstioni admitterentur, duos denarios; ad incipiendum in Artibus, vel ad Gradum Bac. in Jure, Medicinâ, aut Musicâ, quatuor denarios; ad opponendum in Theologiâ sex denarios; ad incipiendum in Theologiâ, Jure, Medicinâ, aut Musicâ octo denarios Registrario vestro penderent) in posterum Quæstionistæ decem; Inceptores in Artibus, nec non Bac. in Jure, Medicinâ, aut Musicâ, octo; Bac. in Theologiâ, sex; Inceptores in Theologiâ, Jure, Medicina, aut Musicâ, quatuor denarios illi adjiciant: ita ut duodecim in universum denarios pro se quisq. eidem solvere teneatur. Et ut hæc concessio vestra pro Statuto habeatur; et in libris Procuratorum infra decem dies proximè sequentes inscribatur.

Feb. 22,

1646. 39. Cum illustrissimi cujusdam herois munificentiâ libri Procuratorum (nimiâ vetustate oblitterati) de novo jam sunt exscribendi atq. adornandi; in quibus nec omnia planè inter se reperiantur eadem, nec eodem digesta ordine; quin et nonnulla, quæ inscribi oportebat, in utrisq. penitus omissa sint, alia vero non pauca (unde volumina excrescunt) istiusmodi sint, ut iis exscribendis insudare vix sit pretium operæ: Conceditur ut una cum Dño Procan. et Dnis Procuratoribus; Doctoribus Love, Medcalf, Rainbow, Minshull, Goad, Bond; Magistris Molle, Duport, Cudworth, Whitchott, Wheelock, Fothergill, Ganning, More Caii, Hobart, Worthington, Roades, Crouch, Dyllingham Sen. Syd. Syllyby,

De libris Procuratorum exscribendis.

AN.

aut eorum aliquot octo, (e quibus Dom. Procan. et alter Procuratorum semper sint duo) Authoritate vestra deputentur, qui libros prædictos summâ cum fide et sinceritate (sub virtute juramenti Academiæ præstiti) diligentèr conferant, in ordinem (quam fieri potest maximè concinnum) redigant, quid de jure adscribi, quid contrahi aut omitti possit, censeant; ea tamen conditione, ut cum novi libri accedant, etiam ut veteres isti in perpetuam rerum memoriam quotannis transmittantur in Senatu ad succedentes Procuratores sub syngraphâ centum librarum ab ipsis exigenda de eorundem librorum salva custodia.

Feb. 22,

De juramentis pro Gradibus refingendis.

1646. 40. Quanquàm nihil nobis sanctius esse, aut majore cum reverentiâ et religione haberi oporteat, quam juramentum: experientia tamen nos docet, tam in Baccalaureorum atq. Magistrorum, quam in aliis fere omnibus Academiæ nostræ juramentis, partìm ex immutatione statutorum, partim ex longâ nonnullorum rituum desuetudine factum esse; ut non solum rebus non necessariis, sed non intellectis etiam planèq. abolitis jurantium conscientiæ onerentur: pro cujus scandali amotione: Placet vobis statuere, ut gravissimi iidem viri, quibus non ita pridem commisistis negotium de libris Procuratorum conferendis, digerendis, exscribendisq. eadem vestrâ authoritate et juramenta omnia Academiæ examinent, et eorundem particulas illas segregent, expungantq. quas antiquatas et abolitas esse certò reperient. Porro in majorem tum conscientiarum serenitatem, tum memoriarum præsidium, Placet etiam vobis decernere, ut eodem tempore quo Baccalaurei aut Magistri Artium pro Gradu suo, aut quilibet

AN.

alius communi de causâ ad solenne aliquod juramentum Academicum adiguntur; (exceptis tantùm incorporandis et Academiæ Officiariis) Procancellarius unicuiq. tradi curet typis Academicis expressam juramenti sui materiem, ea lege, ut quilibet solvat ei in Matriculatione unum denarium tantum: in Gradibus singulis cujusq. Facultatis usq. ad Doctoratum duos denarios; in Doctoratu Drachmam, pro cujusq. juramenti typographiâ.

Ap. 29,

1647. 41. Cum pessimo more candidati, post disputationes in Scholis, privatas, et majoribus nostris penitus ignotas invitationes induxerint; ad grandem Academiæ infamiam, et gravissimas expensas et damnum eorum, qui summo labore suo et curâ studiosos alant: Placet vobis, ut (ad querelam hanc adversus Academicæ disciplinam auferendam) omnes Inceptores et Quæstionistæ deinceps futuri, ab omnibus hujusmodi invitationibus, commessationibus, et conventibus abstineant: nominatim, ut Moderatores vel Disputatores non audeant vel invitare, vel hujusmodi invitationes cujuscunq. rogatu acceptare, aut commessationibus ejusmodi interesse. Et si qui in isto genere delinquant; ut habeantur infames propter luxuriam et inobedientiam; et ut ad arbitrium Dñi Procan. pro tempore existentis, vel viginti solidis in usum cistæ communis mulctentur; vel ab eo Gradu, quem habent, suspensionem incurrant: atq. infra annum illam in quo deliquerint nullam Gratiam neq. Gradum in Academiâ obtineant. Et ut hæc concessio vestra pro Statuto habeatur, et in libris Procuratorum infra decem dies proximè sequentes inscribatur.

Contra Invitationes Candidatorum.

AN.
Ap. 29.

De Registrarii munere.

1647. 42. Cum acta publica, placitaq. Senatus Academici, literæ insuper Nobilium missæ ad Academiam, ejusq. vicissìm ad illos missæ; nec non Patronorum donationes, querelarum porrò, litium, causarum et controversiarum quarumcunq. processus, exitusq. ad defensionem jurium vestrorum, privilegiorum, immunitatum, &c. spectantes; Gratiarum aliquot specialium concessiones; et quicquid deniq. sive Cancellarius, sive Procan. aut jure suo, aut consensu atq. arbitratu vestro Commentariis publicis mandari præceperit, posteris perquam utilia sint, et æternitati sacra esse debeant: cumq. ad acuendam Registrarii vestri in munere suo obeundo diligentiam, stipendium ei suffragiis vestris non ita pridem auctum et amplificatum sit: Placet vobis, ut in usum Academiæ Codex Senatus cum indice Rationario ad sanctiones vestras, et res, suis quasq. titulis á Registrario exscribendas et investigandas, é vestigio habeantur: ut acta et placita Senatûs cum singulis superiùs memoratis; nec non cujusq. Termini transacta negotia in fine ejusdem Termini distinctè scribantur, disponantur, et digerantur: Ut eadem, ita suis locis distributa, post decem exclusivè á finito Termino dies Procancellario; et in primâ Congregatione proximè sequentis Termini, Capiti Senatûs a Registrario exhibeantur; quo paratiùs ejusmodi monumenta Procancellario et successoribus, omnibusq. Academiæ negotia procurantibus in procinctu semper sint. Et, ut hæc omnia Registrario clariùs subindè innotescant; et nequid sanctionem hanc vestram remoretur; Placet vobis, ut idem Registrarius ad nutum Procancellarii cuilibet Sena-

AN.

tui convocato, ad placita Senatûs expectanda et excipienda intersit: ut, ad publicos Academiæ computos Codex Senatus cum indice rationario a Registrario afferatur, et Auditoribus præsto sint; quo melius constare possit de Actis et Rationibus supra nominatis, fidelitèr transcriptis, et ad posteros prædicto Modo transmissis. Placet insuper, si quid ex præmissis Registrarius negligentèr prætermisserit, aut si (quamvis non prætermisit) dictis temporibus, locisq. et coram personis supradictis se munere, officioq. suo (ut ante monitum) defunctum esse non comprobaverit; ut, primâ vice admonitionem publicam accipiat á Procan. coram Capite Senatûs. Si secundâ vice, in computis Academiæ mulctam luat quartæ partis stipendii ejusdem anni, quo indiligentiæ suæ arguatur. Si tertia vice, partem mediam dicti stipendii coram Capite Senatûs. Si quartâ, coram Capite Senatûs quartam. Verum deniq. si quintâ in perpetuum exauctoretur. Sin vero, (quod plerumq. solet) impunitatem per quatuor vices auferat; sciat tamen se sic ut ante peccantem, virtute hujus decreti vestri munere suo exutum esse: Atq. hinc, cum per idoneos testes coram Senatu in Capite Senatûs reus compertus fuerit, aut Procancellarius, aut alter Procuratorum eodem die, tempore, et loco, Registrarii publici munus vacare pronunciabit. Nec non Placet vobis, (ne vestrum hoc decretum, unde splendor et disciplina Academiæ multum pendet; ullius in posterum Registrarii oscitantiâ, aut inspectorum in bonos mores formandos intemperie irritum fiat intercidatq.) ut decretum hoc vestrum habeatur pro Statuto; et in primâ acie aut fronte Statutorum

AN.

codicis Senatûs, tanquam inclubitata reliquorum arx et præsidium præstruatur et præmittatur.

Placet deniq. ut hodiernus Registrarius Chirographo suo tum hujus statuti aut edicti vestri æquitatem agnoscere et comprobare, tum diligentiam suam et vobis promittere et successoribus suis commendare dignetur.

Jul. 2,

De juramento S. T. B.

1647. 43. Cum quilibet, qui Gradum vel Baccalaureatûs vel Doctoratûs in Theologiâ hic susceperurus sit, expressè jurare teneatur, se semel ad Crucem Divi Pauli infra annum post Gradum susceptum concionaturum: conceditur, ut in majorem cautelam in dicto juramento hæc verba inserantur: 'si legittimè vocatus fuerit, et justâ causâ non impediatur'.

Ex Lib. Gratiar.

Jul. 3,

Clausula juramentis Acad. annectenda.

1647. 44. Placet vobis, ut, in majorem in posterum cautelam jurantium, et levamen, hæc verba sint annexa juramentis Academiæ, Matriculationis, Admissionis, et Creationis, viz.

Senatus Cantabrigiensis decrevit et declaravit, eos omnes, qui monitionibus, Correctionibus, muletis, et pœnis Statutorum, Legum, Decretorum, ordinationum, injunctionum, et laudabilium consuetudinum hujus Academiæ transgressoribus, quovis modo incumbentibus, humiliter se submisserint, nec esse, nec habendos esse perjurii reos.

Ex Lib. Gratiar.

Feb. 27,

Fœda pro sigillo com. solvenda.
V. Sup.

1649. 45. Cum multæ Gratiæ et beneficia, ad sigillum commune spectantia, ab Academia sæpenumerò concessa sint, quæ postea ab ipsorum candidatis

AN.

sint non agnoscuntur aut omnino rejiciuntur: Placet vobis, ut quicunq. deinceps petitionem, sive Gratiam, negotium communi sigillo Academiæ sigillandam continentem Capiti Senatus offerendam curaverit, sex solidorum et octo denariorum summam in manus senioris Procuratoris pro tempore tradat priùs et persolvat: quo constare possit, prædictos candidatos hujusmodi Academiæ beneficio bonâ fide fruituros: quoq. magis de debitis solutionibus inter singulos officiarios ob sigillum ritè distribuendis cautum sit. Et ut hoc Decretum vestrum pro Statuto habeatur; et infra decem dies in libris Procuratorum inscribatur.

Jan. 21°.

1652. 46. Placet vobis, ut si quis dispensationem vestram pro exercitiis suis differendis in posterum ambierit; et ob id ipsum requisitam cautionem obtulerit; Procancellarius qui pro tempore fuerit, neq. Syngraphàm, neq. Sponsores admittat: sed pecuniis tantummodò numeratis acceptis, easdem demùm post officii sui vacationem in generali computo ad Academiæ usum proferat: neq. priùs rationum suarum onere liberetur, quam eas summas coram electis Academiæ Auditoribus communi cistæ intulerit: atq. ut hæc concessio vestra pro Statuto habeatur; atq. in libris Procuratorum intra decem dies inscribatur.

Nullæ Cautiones, nisi pecuniæ numeratæ.

Apr. 27°.

1661. 47. Cum nobis omnibus incumbit Academiæ famam tueri, dedecus depellere; Placet vobis, ut omnia rescripta, jussiones, et mandata Oliveri, nuper dicti Protectoris, reliquaq. istius tyrannidis monumenta, quæ in Registro hujus Acade-

De mandatis Oliveri ex Regist. delendis.

AN.

mise, vel alibi prostant visenda, deleantur; et de medio penitus tollantur.

Ap. 27°.

De Concionatoribus Acad. non ritè ordinatis.

1661. 48. Placet vobis, ut eorum omnium, qui per hæc tempora, præsertim Oliveriana, constituti sunt Concionatores Academiæ, ii solum, qui ritè ordinati sunt, juxta formam Ecclesiæ Anglicanæ, pro veris Concionatoribus hujus Academiæ habeantur.

Jul. 4to.

De munimentis Acad. tutò reponendis.

1662. 49. Cum ad Academiæ honorem et incolumitatem conducat plurimùm, ut rescripta Regum, Senatûs hujus consulta, cæteraq. Reipublicæ nostræ munimenta in loco aliquo tuto et solenni custodiantur: quæ hactenùs inter Oppidanorum ædes, incendiis, rapinis, multisq. casibus obnoxia delitescunt. Placeat vobis, *ut in* posterum intra publicas Scholas asserventur: et ut vacivo loco, qui inter Scholas Theologicas et Philosophicas interjacet, curâ Dni Procancellarii (qui pro tempore fuerit) Archivum publicum Academiæ impensis clathris et forulis instruatur, quo munimenta prædicta possint accuratiùs et ad usum hujus Senatûs accommodatiùs asservari.

Apr. 3°.

De Concionibus in Templo B. Mariæ.

1663. 50. Cum in B. Mariæ templo non raro desiderentur Oratores sacri, qui concionandi vices aut ordine suo non alternant, aut (quod perindè displicet) ineptos plerumq. vicarios in locum suum subornant, unde certè et in æstimatione hominum vilescit Academia, et sermonis peregrinitate defessi Auditores primariam ædem relinquunt, atq. alió potiùs ad auscultandum se conferunt. Quo grassanti malo præsens re-

AN.

medium adhibeatur, ac tergiversantibus in posterum color omnis præripiatur; adoptatis præsertim jam in officii sacri partes duobus de novo Collegiis. Placeat vobis, primum, ut (in communis obsequii levamen) pomeridiani labores (præterquam in Dominicis Feriisq. quas more majorum in nati, vel ascendentis Christi, vel Michaelis, vel omnium Sanctorum, vel Angelicæ deniq. salutationis memoriam celebramus) omittantur. Deinde Placeat vobis, ne quis deinceps in Dominicis, Feriisve matutinis cursum suum negligat; nisi qui solidis quadraginta culpam redimat. Placet vobis, ut concessio modo lecta vim Statuti habeat perpetuis futuris temporibus; et intra 15 dies libris Procuratoⁿᵒ. inscribatur.

Dec. 16°.

1667. 51. Cum Academiæ nostræ Bibliotheca publica recens auctior facta fuerit munificentiâ amplissimâ virorum, omni memoriâ dignissimorum, Doctoris Holdsworth Professoris nuperi, et Mⁿ. Lucas pridem Burgensis hujus Academiæ; et recenti accessione *reditûs annui locupletissimi quinquaginta librarum, ad novos libros coemendos, ex donatione perhonorifica pientissimi viri Mⁿ. Tobiæ Rustat Armigeri: interea autem temporis, nunc quam antea infructuosiùs libri hujus Bibliothecæ usibus Academicorum inservire reperiantur; id quod vix effugiat verisimilem offensionem animorum, præsentium et futurorum Benefactorum; dum viderint libros, jam dono datos, nulla utili dispositione aut collocationis ordine donatos: Placeat vobis, ut Bibliothecarius vester publicus senatusconsulto vestro obligetur: Primò, ad libros justo ordine

De Bibliothecâ et Bibliothecario. V. inf.

*The Manor of Ovington in Norfolk.

AN.

seriatim per classes dirigendos disponendosq. et in subselliis quosq. suis rite collocandos ante festum Annuntiationis B. Virginis Mariæ proximè secuturum: et deinde ab eodem Bibliothecario perfectus librorum census, et catalogus describatur, tum impræsentiarum, tum deinceps, prout accessio facta fuerit librorum, de anno in Annum. Porro, ut ab eodem Bibliothecario vestro tam assidua adhibeatur diligentia, ut singulis diebus profestis, vel ipse per se, vel per vicarium aliquem suum, a Dño Procancellario approbandum, Bibliothecæ intersit his horis præstitutis, viz. tempore antemeridiano ab hora octava ad undecimam, pomeridiano vero a prima ad quintam, vel per hiemem ad noctis primum crepusculum. Deniq. ut syngraphâ suâ Academiæ firmitèr se obliget ad librorum quorumcunq. jacturam resarciendam. Et ut has præscriptiones vestras si præsens vel futurus Bibliothecarius quisquam vester observare detrectaverit, vel neglexerit; munus illius de vestra electione in aliam aliquam idoneam personam conferatur; qui conditiones has et in se recipere, et fidelitèr perimplere voluerit.

Placeat vobis, ut Gratia hæc modo lecta de Bibliothecâ et Bibliothecario vestro vim statuti habeat in perpetuum, et infra decem dies proximè sequentes in libris Procancellarii et Procuratorum inscribatur.

Mar. 6°.

De Commemoratione Benefactorum.

1667. 52. Cum in Statuto Academiæ de commemoratione Benefactorum, nonnullorum nomina omissa fuerint; alii autem citra illud tempus Benefactorum numero accesserint: Placeat vobis, ut eorum omnium nomina catalogo inse-

AN.

rantur; et ne hac insertione tumultuariâ commemorationis ordo violetur, aut ipsa nimis prolixa evadat; commemoratio tota recognoscatur, et in luculentum ordinem, ea, qua par est, brevitate redigatur: illudq. negotium Dnō Procan. Doctoribus Fleetwood, Boldero, Gunning, Dillingham, Pearson, Widdrington, et duobus Procuratoribus, sive illis omnibus, sive illorum quinq. aut quatuor demandetur; et commemoratio ita recognita ante festum D. Johannis Baptistæ vobis repræsentetur.

Jul. 3°.

1668. 53. Placeat vobis, ut commemoratio Benefactorum Academiæ in hanc formam redacta, interpositis istis verbis [the first of our present Colleges] proxime ante mentionem Simonis Mountague, secundum decretum vestrum 6°. die Martii, 1657 factum, deinceps die Dominico tam ante Magna Comitia, quam tertium Novembris post concionem publicè recitetur: et ut hoc decretum vestrum statuti vim et locum obtineat; et intra viginti dies Procancellarii atq. Procuratorum libris inseratur. De Commemoratione Benefactorum.

Jan. 22,

1673. 54. Placeat vobis, ut (quod olim per regia statuta in usu fuit) viri sexagenarii cum plurimis senectutis incommodis confligentes, ab omnibus publicis exercitationibus (præter eas quæ ad Gradum suscipiendum requirantur) deinceps liberati, gratiæ jam vestræ pro tam immenso beneficio ex asse obærentur. De Sexagenariis.

Oct. 25°.

1660. 55. Cum vox sit et consensio omnium plurimum referre, ut disputationibus Sophistarum in scholis publicis peragendis, gravior aliquis et in De Moderatoribus inter Sophistas.

AN.

literis provectior deinceps præsit moderator: Placeat vobis, ut sortilegio de M^re. Jacobo Barnard é Coll. Regali, M^re. Tho. Brown Coll. Joan. et M^ro. ——— Smith é Coll. Trin. a Procuratoribus, præsente Duō Procancellario, facto, declaretur; qui duo horum huic muneri (non tamen ultra duos proximè sequentes terminos) præficiantur, Authoritate in scholis, Procuratoribus absentibus, Procuratoriæ pari communiti. Quodq. hisce de honesto stipendio prospiciatur; vobis porro placeat, ut quisq. ad Baccalaureatum in Artibus infra annum sequentem promovendus, juniori Procuratori solvat quatuor solidos inter dictos Magistros, æquis portionibus dividendos.

Oct. 10°.

Iidem Moderatores per biennium.

1681. 56. Cum M^r. Tho. Brown Coll. Joh. et Mr. ——— Smith Coll. Trin. officio Moderatorum in Scholis Sophistarum optimè hucùsq. functi fuerint: Placeat vobis, ut in annum sequentem eidem muneri præficiantur, eodem stipendio, sub iisdem legibus et conditionibus.

Jul. 5°.

De libris Procuratorum.

1682. 57. Cum Procuratorum libri longinqua vetustate et quotidiano usu plurimis in locis erasi fuerint et mutilati: ut nec usui, nec honori Academiæ commodè poterint inservire. Placeat vobis, ut de novo conscribantur in pergamena, et sic conscriptì deornati catenis, bullis et retinaculis exornentur: Et ut hæc concessio vestra curæ Procancellarii, Doctorum Spencer, Blythe, Cooke, Brady; Magistrorum Banbrigg, Billers; et Procuratorum pro tempore existentium exequenda demandetur.

This Grace is repeated Feb. 5, 1685.

AN.

Jul. 2,

1684. 58. Cum par sit et æquum, atq. etiam é dignitate Academiæ, ut elegantissima Facultas, Musica, suum quoq. haud secus ac cætera, Professorem habeat: Placet vobis, ut Senatûs authoritate constituatur Musices Professor; atq. ut ornatissimus vir Dr. Stagins hac vestrâ Gratia in illud munus ritè electus, nomine et titulo publici vestri in Musicâ Professoris insigniatur.

Ex Lib. Gratiar.

De Professore Musices instituendo.

Jul. 4°.

1684. 59. *Orders & Rules agreed upon by the Syndicks for the better securing the Publick Library.*

These Syndicks were appointed by a Grace Jan. 30, 1683.

1st. That all persons, except foreigners, be prohibited the use of the publick Library, unless they first take the following oath. Jurabis quod in bibliothecam publicam admissus, nihil, quòd ad ipsam pertinuerit, sciens volens corrumpes, aut imminues: nullum librum permutabis, auferesve; aut ipse per te, aut per alium quemvis, nisi eo modo, iisq. conditionibus, quæ per Universitatis decreta requiruntur: quodq. sis jure isto tuo sincerè et bona fide usurus; atq. omninò ità ut (quantum in te est) nihil inde accrescat bibliothecæ damni: Ita te Deus adjuvet, et sancta Dei Evangelica.

Juramentum hoc isti, quod Gradibus competit, ascriptum erat per Gratiam Mar. 19°. 1696.

2dly. That no person, except such as are present members of the Senate, or shall be at the next Commencement, or except such as are actually Batchelors of Law or Physick, or shall be at the Commencement, be admitted to the said oath, unless a Grace first pass the House for his admittance to the Library.

AN.

3dly. That none under the Degree of A. M. LL. B. or M. B. be permitted to put up such Grace.

4thly. That no forreigner be permitted the use of the Library without such a sponsor, as the V. Chancellor for the time being shall allow of.

5thly. That no one shall borrow any book without express leave from the V. Chancellor for the time being or his lawfull deputy; & a note under his own hand, expressing the name of the book or books so borrowed. The books so lent to be returned within one month. The under library-keeper, or some other person to bring the note to the V. Chancellor for that purpose.

6thly. That the library-keepers shall have a book, wherein they shall set down the names of what books are lent out, & to whom, & for how long.

7thly. That the V. Chancellor or his deputy, with others, that he shall call to his assistance, do every year (or oftener if he shall think fit) in the long vacation visit & survey all the books in the library by the classical catalogue; & in case they find any book wanting, deduct so much out of the library-keeper's salary as will be sufficient to purchase the like again for the library, according to a decree made by the University in the year 1667.

8thly. That every one, who in the opinion of the library-keeper shall return any Book considerably soiled, blotted, or defaced, stand oblidged to buy a new book of the same kind, or else to pay double the value of such book; &, if he refuse so to do, that he be ipso facto deprived of

AN.

the use of the library for ever by the V. Chancellor declaring him to be so at the next Congregation.

HEN. JAMES, Procan.

Ral. Cudworth	Ja. Johnson
Jo. Coppleston	Jo. Richardson
Jo. Spencer	Hum. Babington
S. Blithe	Joh. Wooton
Jam. Peachell	Jo. Gostlin
Nath. Coga	Jo. Billers
Joa. Ekins	Tho. Smoult
Jo. Balderston	Ben. Pulleyn
Rob. Brady	Cha. Beamont
Hum. Gower	Jos. Beamont.
R. Widdrington	

Confirmed by Chris'. D. of Albamarle, Chancellor.

Feb. 19°.

1695. 60. Cum is qui in publicis Comitiis in disputatione Theologicâ Respondentis vices pro Gradu Doctoratûs gerit, lauto convivio Academicos aliosq. excipere antiquo more teneatur, cujus convivii sumptus ingens multos a respondendo ita deterruerit, ut publica Comitia jam in desuetudinem fere abierint: Placeat vobis, (quo melius Academiæ honori in posterum hac in parte consulatur) ut, quicunq. deinceps in publicis Comitiis Respondentis in SS. Theologiâ pro Gradu Doctoratûs vices sustinuerit, ultra 40 libras in dictum convivium expendere non teneatur; sed ut sumptus cæteri é Cautionibus suppeditentur; ita tamen, ut præter dictas 40 libras

De sumptubus moderandis in magnis Com.

Repealed Oct. 19, 1698.

AN.

summa cæterarum omnium expensarum 60 libras non excedat.

Jul. 3,

De Stipendio Commissarii.

1696. 61. Cum nullo prorsus stipendio, præter pauca admodum emolumenta, Commissarii officium muneretur; et desideretur plerumq. qui in Foro judiciali Dño Procancellario (quotiescunq. eidem Procancellario visum fuerit) assideat: Placeat vobis, ut Gulielmo Pashley vestræ curiæ Commissario, et assessario muneri non impari, in futurum utriusq. officii subsidium, é communi cistâ viginti minæ annuatim erogentur, durante beneplacito Academiæ.

Renewed Jan. 11, 1726, in favour of Mr. Greaves.

Mar. 19,

Ne Angli transfugæ sint hic Doctores.

1696. 62. Cum iisdem Gradibus, quos in exteris Academiis immaturè præripiunt, apud hanc exornari iniquissimè affectent nostratium complures: Placeat vobis, ut Anglis hisce transfugis ad Doctoratûs dignitatem omnis præcludatur aditus: nisi facultatis, quam profitentur, Gradu inferiori apud vos, Oxonienses, aut Dublinienses prius suscepto, filiorum jus aliquatenus consequantur: Utq. hoc decretum vestrum Procuratorum libris inscriptum pro perpetuo statuto habeatur.

Oct. 10,

De jure Suffragiorum.

1698. 63. Cum ortæ sæpiùs ob controversum suffragiorum jus offensæ, litesq. grávissimæ, certius aliquid de iis statui, postulare videantur: Placeat vobis ut nulli, aut Theologiæ Baccalaurei, aut Artium Magistri, sive in propriis, sive in conductis ædibus, sive in Collegio aliquo commorantes, atq. ibidem in tabulis nomina sua bona fide non habentes, apud vos in posterum jure suffragii fruantur; nisi qui per sponsores idoneos, a Dño Procancellario coram Academiæ

AN.

Registrario approbandos, omnia exercitia Gradui et Facultati suis competentia, tum in templo B. Mariæ, tum in scholis publicis se præstare pollicentur; neq. ut ad hoc jus admittantur, nisi peracto integro trium mensium spatio, post datam Dño Procancellario hac in re fidem: utq. hæc Gratia vestra legis vigorem obtineat, et Procuratorum libris inscribatur.

Oct. 10°.

1698. 64. Cum declamationes et disputationes Baccalaureorum in scholis publicis habitæ, videntur operam et authoritatem Magistri alicujus postulare; Placeat vobis, ut ad munus et officium Moderatorum in scholis Baccalaureorum constituantur Moderatores in scholis philosophicis: et quo iis de honesto stipendio prospici possit; Placet vobis insuper, ut quisq. Inceptor in Artibus ante admissionem suam, tres solidos seniori Procuratori in usum dictorum Magistrorum teneatur solvere.

De Moderatoribus in scholis Baccalaur.

Jan. 11°.

1700. 65. Cum in maximum Academiæ detrimentum penè cesserat Licentiarum, quas vocant, vinariarum alienatio, a nostratibus sæpius facta: Placeat vobis, ut quicunq. in Oinopolam Academicum posthac eligetur, munus illud, sub pænâ ejusdem penitùs amittendi, se in propriâ suâ personâ bona fide executurum, spondere teneatur: Utq hæc concessio vestra statuti vigorem obtineat, et in Procuratorum libris inscribatur.

De Licentiis Vinariis non alienandis.

Apr. 28,

1704. 66. Placeat vobis, ut in stipendium Organistæ Academici, viginti minæ é communi cistâ annuatim erogentur; primâ ejusdem solutione á festo

De Stipendio Organistæ.

AN.

sancti Michaelis proximè elapsi præstanda: Utq. etiam Tho. Tudway, Musices Baccalaureus, propter eximiam in ea arte peritiam, dicti Organistæ Academici titulo insigniatur: qui festis solennioribus ad assignationem D̄ni Procancellarii hymnum canendum curet: ita tamen ut Johannes Bowman singulis diebus Dominicis, cæterisq. festis organa tractare pergat, assignatumq. stipendium solus percipiat.

Feb. 8,

Gratiæ in 2 Congregationibus recitandæ. V. Sup.

1716. 67. Cum Senatûs dignitas gravitasq. omnino postulare videantur, ut nihil nisi deliberatum, omniumq. judicio perpensum vestræ authoritate sanciatur: Placeat vobis, ut omnes in posterum rogationes sive Gratiæ (iis tantum exceptis, quæ ad Gradus ex veteri more pertinent) in duabus Congregationibus ante inita suffragia publicè recitentur. Si quæ vero aliter latæ et concessæ fuerint, eæ viribus cassæ, irritæq. habeantur: atq. ut vestrum hoc decretum statuti vim obtineat, et intra decem dies Procuratorum libris inscribatur.

Feb. 11,

Concio ad Clerum in die Cinerum.

1718. 68. Placeat vobis, ut, ad dies Cinerum solennius in posterum observandos, eorum aliquis, qui Gradum Baccalaureatûs in sacrâ Theologiâ suscepturi sunt in festo Divi Barnabæ proximè sequenti, quotannis teneatur concionari ad Clerum ad assignationem D̄ni Procan. pro tempore existentis: et ut hoc decretum vestrum Statuti perpetui vigorem obtineat, et in Procuratorum libris infra quindecim dies inscribatur.

Feb. 11°.

Concio in die crucifixionis.

1718. 69. Placeat vobis, ut feria solennis D̄ni nostri cru-

AN.

cifixi inseratur in futuris concionatorum combinationibus: et ut ejus cursus omittatur in combinatione proximâ, qui, rogante Procancellario concionaturus fuerit 27°. Martii hujus anni.

Mar. 6°.

1718. 70. Placeat vobis, ut ad dies infra dictos solenniùs observandos, Præfecti Collegiorum pro more antiquo quotannis concionari teneantur 30° die Jan. et 5to. die Nov.; et ut reliqui Doctores in sacris teneantur itidem concionari 29°. Maii, et 1°. Aug. (vel die regiæ inaugurationis) incipiendo a senioribus, et sic progrediendo ad juniores, sub pœnâ quinq. librarum, eis solvendarum, qui ad assignationem Procancellarii, vices illas concionandi suppleverint.

De concionibus in 30°. Jan. 5to. Nov. 29°. Maii, et 1°. Aug. V. inf.

Dec. 14°.

1721. 71. Cum pro Regis serenissimi munificentiâ, tantâq. Bibliothecæ publicæ facta inde librorum accessione; tam Academiæ dignitas, quam officii ipsius magnitudo postulare plane videatur, ut præter Bibliothecarium, quem hactenus unicum habuistis, (brevi jam eligendum, solitoq. stipendio dignandum) alter etiam superioris ordinis tanto muneri præficiatur: Placeat vobis, ut Reverendus vir Conyers Middleton S. T. P. fide, moribus, doctrinâ spectatissimus, in perpetuum vestræ erga eum benevolentiæ testimonium, Proto-bibliothecarii munere primus honestetur: Utq. stipendium annuum quinquaginta circitèr librarum a Syndicis infra nominatis constituendum habeat: Utq. omnes deniq. Proto-bibliothecarii eodem modo in posterum eligantur quo Dnus Procancellarius. Syndici sunt Dnus Procan. Doctores Jenkins, Savage, Magistri Tillotson, Burford, Banyer.

De munere et stipendio Proto-bibliothec.

AN.
Dec. 20°.

1721. 72. The Syndics appointed to consider what salary shall be paid to your principal librarian, & in what manner it shall be raised without burthening the common chest, have come to the following resolution, which they now lay before you for your approbation & confirmation.

That fifty pounds per An. be paid in four quarterly payments, by the V. Chancellor for the time being to your principal Librarian, out of the common chest; which is proposed to be replaced after the following manner.

1st. That 40s. beyond the usual Fees be paid to the senior Proctor by every one, that subscribes in the Register's book under the title of *Oxonienses et alii incorporati.*

2dly. That 20s. beyond the usual Fees be paid to the Junior Proctor, by every one that subscribes in the Register's book under the title of *Baccalaurei ad Baptistam*, excepting the Fellows of Kings College.

3dly. That from henceforward, every person not bringing a Certificate from the Master, or Locum Tenens of his College, that he did on or before the 1st. of Feb. in his fourth year, declare to him in writing, that he did not intend to proceed in his Batchelor of Arts Degree; shall before his admission to a Batchelor's Degree, either in Law or Physick, pay three pounds beyond the usual fees to the Senior Proctor: And that every person proceeding in his Batchelor of Arts Degree after such declaration, shall pay the same sum beyond the usual fees to the Junior Proctor.

4thly. That every person coming from the Uni-

AN.

versity of Oxford & Dublin, not having kept the Majority of his Terms here, shall before his admission to a Batchelor's Degree, either in Law or Physick, pay three pounds beyond the usual fees to the Senior Proctor.

5^thly. That every person proceeding to the Degree of Doctor in Divinity, not being before Batchelor in that Faculty, shall pay 40^s. beyond the usual fees to the Senior Proctor.

Lastly, that every person before his admission to any Degree in any Faculty, at an extraordinary Commencement, shall pay 20^s. to the Senior Proctor.

That all these payments be accounted for by the Proctors to the V. Chancellor at his audit, for the benefit of the Common Chest.

Lect. et Conces. Dec. 23, 1721.

Dec. 16,

1721. 73. Singuli in Artibus quotannis Incepturi jurant se privatas suas cum Artium Magistro disputationes juxta tenorem Gratiæ sequentis priùs præstitisse, quam admissionem ad dictum Gradum obtinere possunt. About Hudling.

Cum dies ad Philosophicam disputationem in regiis statutis assignati, non sufficiant Incepturis hoc anno in Artibus ad Actus suos scholasticos peragendos: Placeat vobis, ut authoritate vestrâ liceat iisdem, singulis diebus profestis cujuslibet septimanæ in Termino cum Magistris Artium disputare, tam in scholis Dialecticis et Philosophicis, quam in Juridicis, ab hora 7ma. ad 9^m. et a 9^a. ad 11^mam. matutinam; et ab hora 1^a. ad 3^m. et a 3^a. ad 5^m. pomeridianam: ita tamen ut Procuratorum alter per se, vel aliquis Regens per

AN.

ipsum deputatus intersit; ejusq. disputationis ita habitæ idoneos testes habeant singuli; quorum sex ad minimum sint Baccalaurei, qui in habitibus suis toto tempore interfuerunt, alioquin hujusmodi disputatio pro nullo habeatur.

Placeat vobis, ut hæc Gratia lecta et conces. Dec. 16, 1684, de anno in annum sit perpetua.

Dec. 16,

About Hudling. 1721. 74. Singuli quotannis tam in Artibus Incepturi, quam Quæstionistæ, jurant se in peragendis privatim exercitiis Gratiam sequentem ad amussim observasse.

Cum tempus adeo breve sit ad Quadragessimam, ut Questionistæ et Incepturi hujus anni vix commodè exercitationes suas perficere queant: Placeat vobis, ut liceat iisdem in suo grege disputare et declamare quolibet profesto die, tam extra Terminum, quàm in Termino, temporibus idoneis per Dnos Procuratores assignandis: sic ut unus Moderatorum semper intersit; et quæstiones disputandæ valvis scholarum solito more affigantur: et ut duodecim Sophistæ singulis disputationibus Sophistarum præsentes sint, et sex Baccalaurei Declamationibus Baccalaureorum.

Placeat vobis, ut hæc Gratia lecta et conces. Dec. 16, 1684, de anno in annum sit perpetua.

Mar. 1,

De Graduandis in Medicinâ. 1721. 75. Mem. in frequenti Senatu unanimi consensu decretum est, ut nemo in posterum, nisi quem legittimus et annorum et studiorum decursus

AN.

commendaverit, ad quempiam in Medicinâ Gradum admittatur.

This was done at the request of the Coll. of Physicians, & signified to them under the University seal.

Ex Lib. Gratiar.

Oct. 18°.

1722. 76. Cum antiquus mos præsentandi Taxatores, secundum formam Statuti Academiæ in hac parte editi, per multos retro annos non ritè observatus fuerit: Placeat vobis, ut in posterum singula Collegia Taxatores, anno á præsentandis Procuratoribus proximè subsequente, ante primum diem Septembris Dño Procancellario præsentare teneantur, sub pœna decem librarum cistæ communi applicandarum Collegio isti, a quo præsentatio prædicta omissa fuerit, infligenda: et ut hæc concessio vestra vim statuti obtineat. De Taxatoribus præsentandis.

Apr. 5°.

1723. 77. Cum ad tollendam dissidii materiam, quod inter Academicos et Oppidanos de Redditibus censendis, oriri posset; ab omnibus, qui utrinq. nuper convenerunt, Commissionariis concordatum fuerit, si vester accederet consensus; ut ad summam 1423lb. 01s. 06d½ conficiendam; quæ summa Academiæ et Oppido pro hoc anno conjunctim irrogatur, Academia se quinquaginta libris oneraret; reliquum Oppidani in se susciperent: utq. iteratus, qui in priorum defectum supplementum habendus est, Census pari ratione penderetur ita scilicet, ut é viginti et octo partibus summæ deficientis, Academia paulò minùs quam unam persolveret, reliquos viginti et De regio vectigali, ab Academia et Oppido solvenda.

AN.

septem, cum additamento, Oppidani: et demq. ut, hanc proportionem gratam in posterum ambobus fore, communibus utrinq. sigillis confirmaretur. Placeat vobis, ut hujusmodi concordatio rata sit; utq. commune vestrum sigillum scripto ad hoc obligatorio affigatur.

Mem. Jan. 20th. 1723, the University signed a Petition to Parliament to confirm this agreement.

Ex Lib. Gratiar.

Jan. 21°.

De Cautionibus forisfaciendis.

1725. 78. Cum Academiæ nostræ statuta postulent, ut varia exercitia peragantur, antequam Gradus suscipi possunt, cumq. qui Gradus ambiunt, a vobis crebrò petant, ut admissiones suas obtineant; si cautionem realem, se sua exercitia intra Terminum proximè sequentem peracturos, in manus Procancellarii deponunt: hoc autem concesso, novas petitiones fabricentur, ut ulteriùs differantur exercitia: Placeat vobis, ut nullus sit ejusmodi petitionibus in posterum locus; sed pecunia in manus Procancellarii deposita cistæ communi statìm applicetur; nisi exercitia, quæ singuli præstare teneantur, intra Terminum eorum admissiones proximè sequentem peragantur.

Mai. 11°.

Statutum de compositione, juramentis adjiciendum.

1726. 79. Cum per statuta regia cautum sit, " ut omnes " quorum annuus redditus est ad valorem 40 " Marcarum, præter stipendia, quæ habeant a " Collegiis suis, aut ab Academia ratione alicu- " jus Lecturæ, ad Gradum aliquem scholasti- " cum promovendi, dabunt Cancellario, Procu- " ratoribus, reliquisq. Officiariis togas solito " more Academiæ, aut cum his component

AN.

" rationabilitèr." Cum vero statutorum vestrorum perpauca adeo sint exempla, ut manibus vulgi Academici minimè terantur; ideoq. fortasse aliquando inveniantur ii, qui pro consuetudine hôc potiùs, eâq. non prorsus approbanda, quàm pro statuto interpretari velint, in grave Officiariorum vestrorum dispendium: Placeat vobis, ne quid vel per eorum qui é gremio Academiæ fuerint incuriam; vel eorum qui aliunde hùc Gradibus petendis accesserint inscitiam, in hac parte in posterum peccetur; ut Statutis, in singulis Admissionibus legendis, post paragraphum, *Singuli insuper qui hîc Gradum aliquem subituri sunt*, &c. Statutum etiam hoc subjungatur: Et ut concessio hæc vestra pro decreto perpetuo habeatur, Dni Procancellarii et Procuratorum libris intra quindecem dies inscribenda.

Jun. 27°.

1726. 80. Cum Incolæ hujus oppidi tèr singulis hebdomadis tam plateas quam angiportus ejusdem ab omni cæno cæterisq. sordibus purgare teneantur; et tamen (nullo qui hanc rem inspiciat a vobis constituto) id neutiquam faciant: Placeat vobis, ut præficiatur huic negotio Robertus Nicolson; atq. ut stipendium 40 solidorum é cista communi annuatim accipiat, durante beneplacito Academiæ. De mundandis Plateis.

Ex Lib. Gratiar.

Dec. 16°.

1731. 81. Cum Quæstionistarum et Sophistarum disputationes in Termino Quadragessimali peragendæ hactenùs vel penitùs neglectæ fuerint vel perfunctoriè præstitæ in juventutis Academicæ damnum, et contra mentem statuti: Placeat De Disputationibus in Termino Quadrages.

AN.

vobis, ut dicta exercitia, tàm Quæstionistarum in quadragesima stantium quàm Sophistarum, iisdem diebus et eàdem formâ habeantur, prout in Terminis post Pascha, et festum Sancti Michaelis: cumq. insuper necesse sit ut prædictis disputationibus præsint Moderatores; Placeat vobis, ut eisdem Moderatoribus stipendium (uti in aliis Terminis) é communi cista assignetur: et ut quilibet, in posterum in Magistrorum vel Baccalaureorum Artium ordinem cooptandus, duos solidos huic usui impendendos cistæ communi persolvere teneatur.

Mai. 8°.

De iis, qui surripuerint cadavera defunctorum.

1732. 82. Cum sepultorum cadavera é cæmetriis sæpiùs furtìm surrepta fuerint, ad gravem plurimorum offensionem: Placeat vobis, ut quisquis in posterum é cæmeterio cadaver aliquod surripuerit, vel ita surreptum celaverit infra limites Academiæ, postquam legittimè convictus fuerit coram Procancellario, si Scholaris sit nondum graduatus, suspendatur a Gradu capessendo per biennium ultra consuetum tempus; si vero sit Graduatus, Gradu suo privetur; sin Scholarium gaudeat privilegio, in perpetuum privilegium suum amittat.

Oct. 10,

De Scholaribus in alia Coll. demigrantibus. Vid. Sup. et inf.

1732. 83. Placeat vobis, ut si quisquam Scholaris infra Gradum Magistri in Artibus transtulerit se ab alio Collegio in aliud, nisi priùs impetratis literis sub Chirographo Magistri Collegii, Decani, et Prælectoris, testantibus de honestâ suâ et laudabili conversatione, persolvere teneatur quinq. libras collegio, a quo secesserit, et quinq. libras cistæ vestræ communi.

AN.

Maij 29°.

1733. 84. Ad præcavendam omnem infamiam, quam Academia pati potest, si temerè Gradus immerentibus conferantur: Placeat vobis, ut si quis in posterum petat á vobis Gradum aliquem, postquam ejusdem supplicatio suffragiis vestris fuerit rejecta; Præfecto uniuscujusq. Collegii, aut ejus vices gerenti intentionem suam supplicandi pridie Congregationis, in quâ supplicaturus est, in scriptis notam faciat; quod, si omissum fuerit, omnis ad Gradum aditus pro hac vice præcludatur. De Gratiis pro Gradibus, rejectis.

Maii 21°.

1734. 85. Cum ad Academiæ dignitatem pertineat, ut exercitia per statuta requisita ritè peragantur: Placeat vobis, ut si quis ordine suo juxta Statutum de Disputationibus Theologorum non respondegit, singulis Omissionibus, præter mulctam a Statuto præscriptam, primâ vice viginti solidis, secundâ vice quadraginta solidis, tertiâ, et singulis deinceps vicibus quatuor libris mulctetur, quæ novæ mulctæ Dño Procancellario in usum cistæ communis solventur. Novæ mulctæ Theol. ordine suo non Respondentium.

Ex Lib. Gratiar.

Mar. 19,

1740. 86. Cum jam per plurimos annos Tripodes, ut vocantur nimiâ licentiâ usi fuerint in orationibus suis, Placeat vobis, ut ad antiquam Academiæ modestiam, honorem, et gravitatem restituendam, Comitia quadragessimalia in posterum in senaculo habeantur, vel ubicunq. visum fuerit Dño Procancellario pro tempore existenti; ibiq. fiant solennia senioritatis Baccalaureorum præconia; et ut Procuratores, Vice Procura- De jocis scurrilibus in Comitiis Quadragess.

AN.

tores aliiq. omnes ibidem disputaturi veterem Academiæ formam et consuetudinem in exercitiis præstandis servent; quæstiones suas tractent serio et philosophicè, idq. latinè tantum: neminem omninò cujuscunq. ordinis aut gradûs jocis scurrilibus aut dicteriis illiberabilibus perstringere aut illudere audeant: quiq. secùs fecerit, Placeat vobis, ut hac vestrâ authoritate et sententiâ (quam in libris Dñi Procancellarii et Dnorum Procuratorum intra quatuordecim dies postquam lata fuerit inscribi jubeatis; statuti vim et vigorem perpetuò inde habituram) ipso facto ab omni gradu suscepto suspendatur, et a suscipiendo præcludatur.

Ex Libro Gratiar.

Feb. 1,

Licentiæ vinariæ deputatis non committendæ. 1744.

Cum plurima evenire possint Academiæ incommoda, si ii, quibus vinum vendendi licentia (uti vocatur) fuerit concessa, per ministros suos aut deputatos Ænopolæ officium exequi, vel aliis mercede pactâ delegare permittantur, Placeat vobis, ut quilibet, cui in posterum hujusmodi licentia a vobis concedatur, Ænopolæ munus in propriâ suâ personâ exequi, et in tabernâ suâ vinariâ continuo habitare teneatur: Et si quis hoc decretum in aliquo violaverit, et hujusmodi violationis coram Procancellario legitimè convictus fuerit, licentia illi priùs a vobis concessa ipso facto irrita sit, et pro nullo habeatur; et ut alius in locum delinquentis infra quatuordecim dies a tempore convictionis hujusmodi continuè numerandus eligatur.

Placeat etiam, ut quilibet, qui in posterum ad officium Ænopolæ eligetur, statìm post electionem ipsius in plenâ congregatione regentium et

AN.

non-regentium chirographo in mille libris sterlingorum Academiæ persolvendis ad hujusce decreti observationem obligetur; alioquin electio ipsa, virtute hujus ordinationis, cassa sit atq. irrita. Placeat porrò, ut literarum vestrarum patentium Ænopolis in posterum concedendarum tenor sit istiusmodi,

—'Sciatis, quod nos A. B.—— ordinamus 'et assiguamus C. D. unum ex quatuor 'Tabernariis nostris.—Concedentes eidem 'C. D. facultatem et licentiam ad bene-'placitum nostrum tantummodò duraturam 'vina vendendi,—pretiis per nos de tem-'pore in tempus assignandis,—et quamdiù 'tantum prædictus C. D. Tabernarii mu-'nus in propriâ suâ persona executus fue-'rit, et in tabernâ suâ vinaria habitaverit.'

Ex Libro Gratiar.

Si quid dubii vel ambigui in istis Statutis et sanctionibus nostris oriatur; id per Cancellarium et majorem partem Præfectorum Collegiorum explicabitur et determinabitur; quorum determinationi et Interpretationi reliquos omnes cedere volumus.

V. Stat. Eliz. Cap. 50. in fine.

INTERPRETATIONES STATUTORUM.

A. D.
Jun. 11°

1574. 1. CUM in statutis regiis capite octavo contineatur, ut qui voluerît esse Baccalaureus in Theologiâ bis disputet contra Baccalaureum Theologiæ: et jam dubitatur, an duæ oppositiones contra Magistrum in Artibus in quæstionibus Theologicis, juxta ordinem statuti in 26°. capite expressum, sufficiant ei, ac si cum Baccalaureo Theologiæ disputasset: Hanc dubitationem tollentes, 11°. Jun. 1574, Tho. Bing, L. L. D. venerabilis viri Jo. Whitgift, S. T. P. V. Cancellarii Deputatus, D^res^. Hawford, May, Chadderton, Harvey, Ishell, et M^r^. Legg sequentes tenorem, vim, et sensum statuti in capite 8vo. et 26°. declaraverunt, censuerunt et interpretati sunt, octavum caput sic intelligendum et interpretandum, viz. quod hujusmodi disputationes Theologicæ, factæ et habitæ contra Magistros Artium, juxta ordinem dicti statuti

De Disputationibus pro Gradu S. T. B.

A. D.

in Capite 26°. tam prosunt Disputanti et Opponenti ad Gradum Baccalaureatûs in Theologiâ obtinendum, ac si cum Baccalaureo Theologiæ disputasset.

Mar. 26°.

De Gratiis concedendis.

1575. 2. Cum interpretatio, explicatio et determinatio ambiguorum omnium et dubiorum, quæ aliquando in statutis, Academiæ orta fuerint, virtute eorundem statutorum ad Cancellarium et majorem partem Præfectorum Collegiorum pertineat; ac in calce, sub titulo De Gratiis concedendis, sic habetur, " decernimus, ut nulla Gratia, quæ pro-" ponetur in scholis, dispensationem habeat " quamcunq. et si secus fiat, Gratiam illam irri-" tam et inanem esse volumus," quæ verba a multis variè accipi solent: nonnulli enim de Gratiis illis tantum, quæ proponuntur pro Regimine, Lectionibus, negotiis, et aliis causis publicis Universitatis intelligere volunt: Alii ad exercitia scholastica, et temporum diuturnitatem, quæ in Gradibus suscipiendis fieri jubentur, illa verba trahunt: sunt porrò qui Gratias quidèm omnes hisce verbis complectuntur; verum quæ pro Gradu peti solent, eos tantum astringere, qui in Universitate commorantur; alios autèm qui nuper hîc studuerunt, ac per Graduum susceptionem specimen eruditionis suæ dederunt; sed nunc extra Universitatem vitam degunt, sub illis verbis, ex æquitate legis, non contineri putant: Quorum dubitationem tollere cupientes, mentem legislatoris potiùs quàm ipsum verborum corticem secuti; cum benigniùs leges sunt interpretandæ, quo voluntas earum conservetur (voluntas enim et ratio legis esse videtur, ut digni et

A. D.

non alii ad Gradus admittantur.) Nos Will. Cecilius Miles, D^r. Burgley, summus Thesaurarius Angliæ, et almæ Universitatis Cantab. summus Cancellarius, ac Præfecti Collegiorum ibidèm, quorum nomina subscribuntur, maturo et deliberato judicio posteriorem sententiam amplectentes, interpretationem nostram hoc modo interponimus et declaramus: Nullam viz. dispensationem in Gratiis concedendis admittendam esse sive in aliquo negotio Universitatis, sive in aliquo Gradu concedendo his qui in Universitate moram habent: cum aliis vero qui alibi vixerint, ac aliquàndo in Universitate literis ac aliis exercitiis scholasticis incubuerint, ac Gradu Magisterii Artium, sive Bac. Juris aut Medicinæ insigniti sunt, quorum doctrina ac vitæ probitas Academiæ nota est; per quæ etiam nonnulli ad dignitatem ac functionem ecclesiasticam, vel civilem in republicâ pervenerint; quoniam plerumq. variis suis negotiis impediti examinationi literariæ per statuta requisitæ interesse non possunt, post exactum tempus ab hujusmodi Gradu suscepto in statutis præfinitum, dispensari potest: Ita tamen, ut hujusmodi dispensatio non antea Capiti proponatur admittenda, quam consensu majoris partis Præfectorum Collegiorum, nec non majoris partis omnium Doctorum in eadem Facultate in Universitate tunc præsentium per manuum suarum subscriptionem approbetur. Et qui fuerint ita admissi proximis Comitiis intersint, ac in Collegio aliquo juxta Academiæ consuetudinem convivent. Aliter concessa Gratia sive dispensatio juxta tenorem ejusdem statuti omnibus suis viribus carebit.

The Manner of this subscription. V. inf.

A. D.

Datum 26°. Mar. Anno Regni Eliz. Dei gratiâ Angliæ, Franciæ, et Hib. Reginæ, Fidei defensoris 17°. A. D. 1575.

Guliel. Burghleius Cancell. Academiæ.

And. Pern, Procan.	Edw. Hawford
John Whitgift	John Young
Rob. Norgate	Hên. Harvey
Tho. Bing[illegible]	Roger Goad
Tho. Legg	Tho. Ishell
John May	John Still.
W[m]. Chadderton	

Jan. 31°.

Quinam Nobiles habendi.

1577. 3. Quoniam sæpenumerò solet evenire, ut novis causis emergentibus, novum jus non tam constituatur, quam interpretando explicari videatur: (jus enim ipsum, quod rectæ rationis nomine censetur, licet ob rerum negotiorumq. varietatem variè solet applicari, semper tamen unum atq. idem manet:) et quia in dicto statuto *de Gratiis concedendis* hæc verba habentur, "Decernimus, "ut nulla Gratia, quæ proponetur in Scholis, "dispensationem habeat quamcunq. et si secùs "fiat, Gratiam illam irritam et inanem esse vo-"lumus: nec ulli concedatur Gratia, ut ejus "admissio stet ei pro completis Gradu et For-"mâ, sub pœna perjurii Procancellarii et eorum "qui fuerint in Capite, nisi sunt regiæ majestati "a secretis, aut Episcopi, aut Nobiles, vel No-"bilium filii:" Quibus verbis Nobiles, Nobiliumq. filii sic excipi videntur; ut neq. ad temporis certum et præfinitum spatium, neq. ad usitatas Comitiorum cæremonias in suscipiendis Gradibus coarctentur: eâq. de causâ quæsitum

A. D.

est, quousq. Nobilium appellatio producenda sit; operæ pretium videbimur facturi esse, si et hujus quoq. causam dubitationis in posterum penitùs sustulerimus.

Cum itaq. omnes leges, quibus pœnæ vel præmia decernuntur, personarum meritis, ceu fundamento nitantur; cumq. in benè constitutis civitatibus sempèr fuerit usurpatum, ut non magis pœnarum acerbitas restringeretur, quam præmiorum favor amplificaretur: certe Academicas leges, quæ de literarum, et literatorum hominum præmiis sunt positæ, hac communi carere æquitate nefas esset existimare. Quamobrem statuimus, decernimus et interpretando definimus, quod ad scholasticos Gradus suscipiendos attinet, pro Nobilibus omnes habendos esse, non solum qui Barones, aut Baronibus dignitate superiores sunt, verum eos etiam, quicunq. regiam Majestatem conjunctione sanguinis vel affinitate attingunt: modo iisdem quoq. ejusdem dignitatis titulus conveniat, ut vernaculâ nostrâ linguâ honoratæ personæ i. e. honourable personages sive men, women, or maids of honour possint et solent appellari; nam in ejusmodi hominibus, eorumq. filiis, qui proximos parentibus hæredes fore videbuntur, aliasq. idonei habebuntur scholasticis Gradibus exornandis, non necessariò neq. strictìm Terminorum ut vocant numerum; neq. usitatas cæremoniarum Comitiorumq. solennitates observari debere existimamus.

Baronets & Knights are allowed the same privilege by K. Ch. 2d. V. inf.

Rich. Howland, Procan.
Andreas Pern
Tho. Legg
Joh. Still
Tho. Ishell
Ed. Hound
Rog. Goad
Tho. Bing
Rob. Norgate.

A. D.
Feb. 15°,
1578.

For Matriculation, & Residence of Scholars.

4. Whereas there hath & doth yearly arise some controversies & doubts, whether that divers persons that do proceed Batchelors of Arts have fully & wholly accomplished the years & terms required by the statutes of the University to that Degree; & thereupon great contentions have ensued among the Colleges; & some of such persons so proceeding have been charged with perjury; & such as have subscribed to the said Graces have been challenged as subject to the penalties prescribed in the statutes of the University. For the taking away of such controversys & doubts, & for avoiding of such dangers, it was & is the 15th of Feb. 1578, et Reginæ Eliz. 21°. by the Right Worshipfull Mr. Tho. Bing, Doctor of the civill laws, & V. Chancellor of this University, with the assent & consent of his assistants, viz. Dr. Pern, Dr. Hawford, Dr. Chaderton, Dr. Fulk, Dr. Still, Dr. Legg, & Mr. Hound & Mr. Norgate, decreed & order'd, that from thenceforward all persons, that shall proceed in that Degree, shall be certified, tried & judged by the Registers & books of Matriculation of the University, & of the Colleges. And therefore it is by the authority aforesaid order'd & decreed, that every person hereafter coming to the University for study shall within six days next & immediately following his first coming to the town, repair & come unto the Register of the University for the time being, or to his deputy in the absence of the said Register, & cause his name to be enrolled; yeilding & paying to the said Register for the same, if he be in Fellows commons, 2d, if he be in the Scholers com-

V. inf.

See the Statute *de Matriculatione*, in Gr. Book, A. D. 1544.

A. D.

mons, or a Sizer or subsizer, a 1d onely, & no more; & then at the next Matriculation, which shall be kept the first day of every month, if it be not holiday; & then the next working day following shall be presented to the V. Chancellor for the time being; & then & there take his oath & pay his Ordinary: out of the which Ordinaries, the V. Chancellor & Proctors are to be allowed their portions yearly, according to the wonted rate & no otherwise. And if any person neglect or refuse to come within the time aforelimited to have his name inrolled; then such person, untill he be inrolled, not to be reputed as a Scholar; neither his time or years to be accounted, as available toward the taking of the Degree aforesaid. And the Tutor of any such person or Scholar to forfeit & pay to the use of the University 6s. 8d. to be taken & levied by one of the Proctours for the time being. v. inf.

Item, whereas the Statute concerning the aforesaid Degree requireth quadriennium completum, it was & is by the same authority defined, order'd, interpreted, & decreed the day & year abovesaid; that all & singular persons so inrolled, as is aforesaid, before, at, or upon the day when the ordinary sermon ad Clerum is or ought to be made in the beginning of Easter Term, shall be reputed & accounted to have wholly & fully satisfied the Statute, if he shall proceed in the 4th. Lent next following the said sermon. But after that day of the said sermon ad Clerum, if any shall come, then he shall not proceed in the 4th. Lent following.

Item, if any person or persons shall be inrolled as is aforesaid, & afterward depart to his or

A. D.

their friends; or be sent to some Grammar School, or do not continue in the University; all & every such person or persons shall, during such absence & discontinuance, not be accepted as Scholars of the University; nor such time from his or their inrollment accounted profitable to or for his or their Degree: & the triall hereof to be made & judged by the Books of the Commons of every College, where any such person shall be received.

Item, if any person or persons so inrolled, or also matriculated shall for a time remain in the University, & then depart or go into the country, & there continue by the space of one quarter of a year or more, such time of his absence from the University shall not be taken or reputed toward the accomplishment of the time required necessary to the said Degree: & this is to be tried by the commons books, as is aforesaid. And therefore the form of their Graces shall be as it was in the old time; 'Supplicat 'Reverentiis vestris A. B. ut duodecim Termi-'ni completi, in quibus ordinarias lectiones au-'diverit per majorem partem cujuslibet Termi-'ni, unà cum omnibus oppositionibus, respon-'sionibus, cæterisq. exercitiis per statuta requi-'sitis, sufficiant ei ad respondendum quæstioni.' And if it shall fortune any such to be absent at any time from & out of the University more than half a Term, during the whole time of his four years, either for the Plague being in Cambridge, or for the sickness of himself, or of other of his natural friends, or for any other necessary & lawfull cause; then every such person so absent shall insert in his Grace so exhibited to the

A. D.

University the time & cause of his absence; & so committ the same to the goodliking, and approvement of the University.

Provided, that nothing in this Decree contained touching the time required in the taking the same Degree, be prejudicial unto any of those, who may by the University Statutes be dispensed withall in this behalf. Noblemen excepted.

Apr. 30°.

1582. 5. Doctor Guliel. Fulk, S. T. P. Almæ Universitatis Cantabrigiæ Procancellarius; Doctores Pern, Bell, Goad, Howland, Harvey, Bing et Legg; et Magistri Tyndall et Barwell interpretati sunt caput de appellando. Quilibet Appellans infra decem dies post datos judices tenetur prosequi appellationem sub pœna cautionis deposit: viginti solidorum, et fœdarum, et beneficii appellationis. De appellationibus.

Sept. 18°.

1582. 6. Doctor Guliel. Fulk, S. T. P. Almæ Universitatis Cantabrigiæ Procancellarius, Doctores Bell, Goad, Howland, Norgate, Tyndall, Harvey, Bing, Legg, et Magister Nevile interpretati sunt verba, *post vacationem* in capite 40°. *de Electione Lectorum, etc.* debere intelligi tam post vacationem alicujus officii, quam post vacationem nominationis ad aliquod officium vel munus in Academiâ gerendum; verbi causâ, si aliquod collegium præsentaverit aliquem ad officium Procuratoris; et is post primum diem Augusti, et ante decimum Octobris vel decesserit, aut munus recusaverit, aut minus idoneus reperietur, tum ejus nominatio ad Præfectos collegiorum spectabit, ut illi punctis suis duos Universitati proponant. Idem decretum fuit pro De secundâ nominatione Procuratorum, &c.

A. D.

electione Scrutatorum et Taxatorum, licet prædicta officia vacua non existant ante decimum Octobris.

Jun. 13°.

De assignandis A. M. qui disputent in publicis Comitiis.

1582. 7. Ad Academiæ dignitatem illustrandam cum primis pertinere, ut publicæ disputationes ab iis potissimum hominibus tractentur, qui huic oneri perferendo præ cæteris idonei videantur, nemo sanæ mentis dubitaverit; Quæsitum tamen est nuper, an, si qui ut in publicis forte disputent Comitiis a Procuratoribus rogati recusaverint, ad illud munus subeundum Procancellarii Autoritate cogi possunt. Nos autem, quoniam legibus nostris cautum novimus, nequis ad Gradum aliquem hîc admittatur, nisi qui se et Procancellario obedientem futurum, et statuta et consuetudines hujus Academiæ approbatas observaturum, et honorem pro virili aucturum et ornaturum esse, conceptis verbis prius juraverit: Idcircò ad hujusmodi controversias in posterum tollendas explicando decernimus, et interpretando constituimus; quoties idonei viri, qui Procuratorum rogatu philosophicas disputationes in publicis Comitiis obituri sunt, non reperiantur; toties ad officium Procan. spectare intelligi, ut quoscunq. Artium Magistros (modo quintum Magisterii annum non compleverint) ad hujusmodi disputationes subeundas pro arbitrio suo possit designare. Si quis autem sic designatus, id quod ei imponitur muneris, exequi neglexerit, tum pro contumaci, nec obediente esse habendum definimus.

Jul. 5to.

Who to be reckoned Compounders.

1599. 8. Whereas there hath been doubt concerning the true meaning of this statute for Compound-

A. D.

ers, Cap. 49. in hæc verba, 'Omnes quorum 'annuus reditus est ad valorem 40 Marcarum, 'præter stipendia quæ habent a Collegiis suis, 'aut ab Academiâ ratione alicujus Lecturæ, ad 'Gradum aliquem scholasticum promovendi, 'dabunt Cancellario, Procuratoribus, reliquisq. 'Officiariis togas solito more Academiæ, aut 'cum his component rationabiliter.' And whereas there is this statute, Cap. 50, 'Si quid dubii 'vel ambigui in istis statutis et sanctionibus nos-'tris oriatur, id per Cancellarium et majorem 'partem Præfectorum Collegiorum explicabitur 'et determinabitur, quorum determinationi atq. 'interpretationi reliquos omnes cedere volumus.' The meaning of the lawmakers in that statute seeming directly to provide, that the labour & pains of the Officers of the University should be well consider'd of by all such as took Degrees, & are sufficiently provided for of Livings: & by due examination the very words and Grammatical sense thereof leading unto that meaning: we the V. Chancellor & Heads of Colleges do accordingly interpret & set down by joint consent, that from henceforth all persons coming to take Degrees in this University, whose Living or Livings Ecclesiastical of what kind soever, shall be rated to the yearly value of 40 Marks in the book of first fruits or subsidy, or whose living temporal hath been, is, or shall be demised communibus annis at that rate or rent, or that shall be by common estimation accounted to be yearly worth the said sum of 40 Marks, shall be reputed & taken as Compounders. And further, we do interpret those words '*Omnes quo-*'*rum annuus reditus est,*' &c. in the same sta-

A. D.

tute, to comprehend all those which before their admission or creation shall have presentation, collation, institution, induction, or any manner of Possession of any kind of Living to the value in manner & form aforesaid.

John Jegon, Procan.

Hum. Tyndall	Ja. Mountague
John Cowell	John Overall
Edw. Barwell	John Duport
Lan. Andrews	Law. Chaderton.
Rog. Goad	

The Bedell's fee for attending Discs.

9. At the same time & place the statute, by which the new Masters of Arts disputing in Philosophy ordinarily pay to the Bedells every one 5s. 4d. was viewed & consider'd of by the V. Chancellor & Heads, whose names are here subscribed; who by joint assent & consent did resolve, interpret, determine, & conclude, that the said fee of 5s. 4d. was, & is as well due in Michaelmas Term from every such Mr. of Arts then disputing in ordinary course, as in either of the other two Terms; with the same proviso, that is set down in the said Statute, viz. that if the Number be so small, that it come to any of their turns to dispute the second time before the end of the first year, that then, for that second time they and every of them are freed from any such payment of fee or fees, breakfasts only excepted, which are due by another Statute.

Sam. Harsnet, Procan.

Rog. Goad	John Duport
Hum. Tyndall	James Cowell
Rob. Soame	Tho. Nevile.
Ed. Barwell	

A. D.

Mar. 25°.

1608. 10. Whereas upon these words of the Statute Cap. 21, *de Gratiis concedendis*, viz. "*in quibus studuerint in Academiâ*," & also these words following, "*aliter ipsa Gratia nulla sit*," doubt hath lately risen, whether actual Batchelors in Arts, before they can be admitted ad incipiendum must of necessity be continually commorant in the University nine whole Terms, or else their Grace being obtained is frustrate & of no force: We whose names are here underwritten, for the clearing of all controversies in that behalf, both for the present & hereafter, by vertue of the power which by the Statute Cap. 50 is given unto us to interpret all doubts, do declare & interpret the aforesaid words, as followeth, viz. that those, who for their Learning & Manners are according to statute admitted Batchelors in Arts, are not so strictly tied to a local commorancy, & study in the University & town of Cambridge, but that being at the end of nine Terms able by their accustomed exercises & other examinations to approve themselves worthy to be Masters of Arts, may justly be admitted to that Degree: & the reasons of this Interpretation be these. Batchelors of Arts not bound to residence.

First, that a man once grounded so far in Learning as to deserve a Batchelorship in Arts, is sufficiently furnished to proceed in study by himself, and such conference as he may easily have elsewhere, to attain perfection enough not only for a Mastership but higher Degrees also: as experience dayly teacheth.

Secondly, the constant & customary acceptance of the same statute, Cap. 21, by the conti-

A. D.

nual practice from the first making thereof until this present time; no exception, for aught we can learn, ever having been taken until now to any Batchelor, discontinuer; so he sought not the Degree before the full determination of his nine Terms; & sufficiently by his exercises, &c. approved his own worthiness required to the same.

Thirdly, the great use that there is of these young men in the Church, & commonwealth; who, be they never so towardly, by poverty & want of maintenance must be driven to manual trades, or to be fugitives, except they may be sufferr'd by serving Cures, & teaching of Schools to follow their books in the country; & by that means at least be made fit for better places, that otherwise cannot out of our University be possibly stored with learned men.

Fourthly, we are the rather moved to this our interpretation, because we find by the 9th Chap. of our Statutes, that one coming to Cambridge at 24 years of age may commence Batch. in Divinity, if he shall wholly give himself to that study by the space of ten years; (tho not commorant in the University all that time). And also by interpretation upon another point of this statute now questioned, made the 26 of March, 17th of Eliz. it appeareth, that the interpreters thereof, of whom our then honourable Chancellor was cheif, out of their wisdom & judgment found cause rather to favour discontinuers in matter of form & ceremony, than those that are continally resident in the University. Besides if the letter should be strictly urged against all manner of discontinuers, no such

A. D.

Fellows of Colleges as have licence of absence granted them, either to travel beyond the seas, or to be abroad in the country, can enjoy such grant without their prejudice.

Fifthly & lastly, we find that the aforesaid words being literally taken & construed, no Batchelor either by his own occasion, or by common infection in the town, or other necessary breaking up of any College, being absent any part of a Term in the said nine, could be capable of his Master's Degree, were he ever so worthy. Beside the great prejudice to all former Graduates never so antient, against whom there may lye exception by the same reason upon the same words, '*alitèr ipsa Gratia nulla sit.*'

And where it may be objected, that this interpretation cant well stand with a former made 21°. Eliz. 1578, requiring strict continuing in the University, & permitting no time of absence with friends, or in a Grammar School; it is evident by the words of that interpretation, that this restraint is only for young scholars matriculated before any Degree taken, & therefore so green & ungrounded as they can't of themselves profit abroad in the country in our University Studys, as others, being actual Batchelors; against whose discontinuance there is no mention in the whole interpretation; but the same rather tacitè allowed. And yet for the said young Scholars there is a favourable mitigation in the cases there expressed in the end.

Yet not willing by this our interpretation to have the University abused, in conferring of so venerable a Degree; we think it requisite, & very agreeable to the true intent of the said sta-

A. D.

tute, & so do explain, that yearly hereafter long Discontinuers do bring with them to the V. Chancellor then being, when they come to take the said Degree, sufficient testimony, that they have lived in the mean time soberly & studiously the course of a scholars life, & that testimony to be under the hands & seals of three preaching Ministers, Masters of Arts at least, & living upon their Benefices, near the place of their longest aboad; as also under the hand of the Master of the family, where such persons discontinuing have been entertained, & resided; if the said Master of the family can be gotten to join in testimony with the said three Preachers; otherwise it shall be sufficient to bring the hands of the said three Preachers.

And for better approving of their proffiting in Learning in such time of their discontinuance, that they perform their Acts for the Inceptors Degree *In luce*, so much as may be, according to such order as the University shall allow; viz. that their Batchelor's Disputations, Declamations & answering the Masters in Arts, or two of these at least according to the Statutes be open & ordinary, so far forth as the ordinary days for the said Acts will permit.

In witness whereof we have put to our hands the 25th. of March 1608.

De modo eligendi Burgenses.

1613. 11. Cum Statuto Academiæ quadragessimo De Ministrorum seu Officiariorum quorumcunq. electionis modo et formâ expressè sancitum sit; ut, de quibus alitèr non est provisum, sequeremur modum et formam in electione Procancellarii præscriptam. Cumq. novitèr huic Academiæ

A. D.

celeberrimæ ex indulgentia et rescripto serenissimi et inclyti Regis Jacobi Burgensium electio concessa sit; orta nuper disceptatione apud nos de modo et forma Burgenses nominandi eligendiq. Nos collegiorum præfecti, maturâ habitâ consultatione, statuti prædicti verba, nempe '*intra quatuordecim dies post vacationem*,' &c. sic interpretamur, ut omnis electio et nominatio Burgensium nunc et in posterum fiat juxta formam electionis Procancellarii, intra quatuordecim dies post traditionem regii Brevis a Vicecomite Procancellario Universitatis factam.

Clem. Corbet, Procan. An. 1618.

Hum. Tyndall	Val. Carey
Jo. Richardson	Jo. Duport
Law. Chaderton	Tho. Nevile
Gul. Smith	W. Brainthwaite.
Owen Guinn	

Maii 1°.

1626. 12. Cum *Statutis Academiæ cautum sit, ut modestiam ordini suo convenientem, omnes omnibus —in locis colant; eamq. Majores nostri, præcipuè in publicis Comitiis, ità observarunt, ut Philosophi suas quæstiones tractarent seriò; Prævaricatores veritatem philosophicam, quâ poterant contradicendi subtilitate, eluderent; Tripodes sua quæsita ingeniosè et appositè defenderent; gestibus autèm Histrionicis, flagitiosis facetiis et ineptiis pueriles risus captare nuperrimi sæculi malitiosum sit inventum; Ad antiquam Academiæ gravitatem restaurandam, et in posterum retinendam, Dnus Procan. et Præpositi Collegiorum, quorum nomina subscribuntur, sic prædictum

*Sup. De tollendis ineptiis in disp. comitialibus.

V. inf.

A. D.

statutum interpretantur, et interpretando decernunt; ut Prævaricatores, Tripodes, aliiq. omnes Disputantes veterem Academiæ formam et consuetudinem in publicis disputationibus observent: ut ab hoc ridiculo morionum usu et impudentia prorsus abstineant: neq. leges, statuta vel ordinationes Academiæ; neq. Facultatum, Linguarum, aut Artium professiones; neq. Magistratus, Professores, aut Graduatos cujuscunq. tituli, aut nominis, salutationibus mimicis, gesticulationibus ridiculis, jocis scurrilibus, dicteriisq. malitiosis perstringere aut illudere præsumant. Quod si quis decretum hoc violaverit, ipso facto per Dnum Procan. ab omni Gradu suscepto suspendatur, aut incarceretur. Et si indignitas facti majorem pœnam meritò postulaverit, per Dnum Procan. una cum assensu majoris partis Præpositorum Collegiorum ab Universitate expellatur in æternum.

Johan. Gostlin, Procan.

Sam. Ward	Leon. Mawe
Jo. Preston	Th. Bainbrigg
Rob. Andrews	Jo. Mansell
Hen. Smith	Sam. Walsall
Sam. Collins	Oen. Gwin
Tho. Eden	Mat. Wren.

Jun. 8to.

De disputationibus Juriscon. et Medicor^m^.

1629. 13. Repetitis hoc anno per Dnum Procan. Jurisconsultorum et Medicorum disputationibus, quæ per multos retro annos interciderant; dubia aliquot ad nos de 28°. et 29°. Capite statutorum adferuntur, quæ explicationem, determinationemq. nostram postulant. Nos igitur Collegio-

A. D.

rum Præfecti qui subscripsimus, pensitatis circumstantiarum omnium momentis, mentemq. et verba statuti de Theologorum disputationibus, Capite 26°. quam maximè secuti, ad ambiguorum horum determinationem et interpretationem sic procedimus.

Primò ambigitur de Die. Diem autem disputationibus istis in unoquoq. termino assignatum per statuta, numerandum esse decernimus a primo die Jovis in initio cujusq. Termini; atq. ita procedendum esse per singulos dies Jovis (sive festi dies sint sive non; sive vacatio interea propter exequias alicujus Gremialis incidat) usq. ad sextum, in quo Jurisconsultorum disputatio, et dein ad nonum, in quo Medicorum habenda est. Ita tamen ut si fortian vel sextus vel nonus ille dies, vel in diem festum, aut in vacationem propter exequias incidat, tum disputatio differetur in diem Jovis in proximâ hebdomadâ subsequentem. Quod si in aliquo Termino post disputationem sic habitam, vel de jure habendam, alter sextus dies Jovis recurrat, tum (observata hujus interpretamenti ratione) habendam esse et alteram Jurisconsultorum disputationem decernimus.

Secundò ambigitur de homine. Cæterum si quispiam ex iis, qui vel juri civili, vel Medicinæ dant operam, defecerit aliquando, et respondere neglexerit secundum ordinem senioritatis suæ, sed alterum intereà qui pro formâ locum petit surrogatum habuerit, ipsum illa vice mulctandum non esse judicamus: verum sive surrogatum Aliquem habeat, sive non hàbeat; atq. exinde mulctetur ea vice; disputationem tamèn proximè subsequentem ad ipsum (totiès quo-

A. D.

tiès) pertinere decernimus, usq. dum in propriâ personâ eandem præstiterit.

Mat. Wren, Procan.

Oen. Gwin	Joh. Mansel
Hen. Butts	Th. Pask
Hieron. Beale	Sam. Collins
Th. Bainbrigg	Gul. Sancroft.
Sam. Ward	

Oct. 9°.

De nominatione Officiariorum.

1663. 14. Cum in interpretatione Statuti de Electione Lectorum et reliquorum officiariorum facta Sept. 18°. 1582, cautum sit, ut post vacationem nominationis ad aliquod officium vel munus in Academiâ gerendum, nominatio ejus ad Præfectos Collegiorum spectat; ut illi punctis suis duos Universitati proponant: nos Procan. et major pars Præfectorum collegiorum idem Statutum ulterius interpretamur: ut non tantum post vacationem nominationis, sed etiam post omissionem nominationis, nominatio ad Præfectos spectat; ut illi punctis suis duos Universitati proponant.

Edv. Rainbow, Procan.

Ja. Fleetwood	Ed. Boldero
Mar. Frank	Ral. Cudworth
Fran. Wilford	Ant. Sparrowe
Joh. Pearson	Pet. Gunning
Ric. Minshull	The. Dillingham.

Aug. 22°.

De Gratiis pro Gradibus Nobilium extra Terminum concedendis.

1673. 15. Cum Academiæ Statuto Cap. 21. cautum sit, ut nulla Gratia pro Gradu aliquo suscipiendo extra Terminum omnino vel petatur vel conce-

A. D.

datur: undè diù multumq. dubitatum sit, an et Nobilibus eorumq. filiis omnis ad Gradum aditus Vacationis tempore dicto Statuto præcludatur. Nos Procan. et Præpositi Collegiorum quorum nomina subscribuntur (ut honori et commodo Academiæ consulamus, et omnem ea de re scrupulum in futurum eximamus) Statutum prædictum de Gratiis solummodo personis privatæ conditionis concedendis interpretandum, et Nobiles eorumq. filios lege illa liberos et omninò solutos decernimus et declaramus: in hanc autem sententiam venimus hisce ducti rationibus:

Primò, lex dicta ea solum ratione sancita videtur, ne cui Gradum adire contingat furtìm et sine arbitris, vel absq. exercitiis complétis (non nisi pleno Termino peragendis) quæ tamen a personis é Nobilium ordine ad Gradum suscipiendum minimè requiruntur.

Secundò, Statutis non minus Academiæ quam regni provisum est, ut Nobiles privilegiis gaudeant; et á sorţis inferioris hominibus non minus immunitatibus quam titulis suis, et Natalium dignitate distinguantur. Stat. 21, Cap. 46.

Tertiò, Rationi dissonum videtur, statutum illud Gratiam pro Gradu suscipiendo extra Terminum petitam Nobilium titulo insignitis denegasse, quibus Gradum suscipiendi, nullo habito ad Terminum aliquem, sed generis solummodò claritatem, respectu, licentiam fecit: aut legem de minimis (temporis nimirùm circumstantiis) inullâ præsertìm de causâ curare voluisse.

Utcunq. non minùs Statuti jam dicti verbìs, quam actionis solennitati consentaneum existimamus, ut per Gratiam et votum Senatûs speciale Convocatio in Congregationem converta-

A. D.

tur, cum vir aliquis é Nobilium gente in ordinem Magistrorum vel Doctorum cooptari postulaverit.

Gul. Wells, Procan.

Rob. Mapletoft	Th. Dillingham
Jo. Beaumont	Rob. King
J. Spencer	J. Bretton
Ric. Minshull	R. Cudworth.

Oct. 31°.

About Compounders.

1686. 16. *An Interpretation made by the V. Chancellor & Heads, whose names are here underwritten, the 31st day of October 1686, of that part of the 49th Statute of the University which concerns compounders, viz. omnes quorum annuus reditus est ad valorem quadraginta Marcarum, præter stipendia quæ habent a Collegiis suis, aut ab Academiâ ratione alicujus Lecturæ, ad Gradum aliquem scholasticum promovendi dabunt Cancellario, &c. & also of that part of the said statute which concerns incorporations, viz. Incorporatus in aliquâ facultate solvet prout de corporatis dictum est.*

Whereas several ecclesiastical preferments of considerable value are not rated or so much as mentioned in the book of first fruits or subsidies; We think it agreeable to reason, & the true meaning of the Statute aforesaid (viz. omnes quorum annuus reditus, &c.) that such Deanaries, Prebends, Rectories, Vicaridges, & all other ecclesiastical preferments be rated according to their reputed value; & as they are or may be lett or rented. Since therefore the Interpre-

A. D.

tation of this said Statute made 1599 was intended for the encouragement of the officers; we do judge the meaning thereof was not to restrain the Statute, or to take away any of *their* just dues, which was not in their power to do, but to prevent controversies, where the book of first fruits did settle the value, allowing that for a sufficient proof. But for other cases, where the ecclesiasticall preferment is not valued in the book of first fruits, the general words of the Statute ought to take place, if good proof can be made.

And whereas it hath been a frequent practice among Candidates for degrees having compounding estates, to alienate or make over the same, whereby the said Statute (viz. omnes quorum annuus reditus, &c.) is eluded, & the Officers defrauded; for the prevention of such fraudulent practices for the future, We do hereby order & decree, that if the party so alienating or in anywise conveying hath reserved to himself any Power whereby he may or (without any such reserved power) actually does take & receive to his own use directly or indirectly to the value of 40 Marks per An. out of such estate; every such person to be taken & reputed a compounder; & to satisfy the officers accordingly.

Also whereas by another clause in the said Statute it is expressed in these words, *Incorporatus in aliqua Facultate solvet prout de corporatis dictum est*; the sense & meaning of which clause seems plainly to be this, viz. in case any strangers & forreigners should think fit to take any Degree in this University, they should be liable to the same payments as our Gremials are.

A. D.

We do therefore interpret & decree, that all incorporate persons in this University for the future, which according to the abovementioned Statute, & the Interpretation thereof have compounding estates, shall be taken & reputed compounders, & shall satisfie the University Officers accordingly; Oxford men who shall be admitted ad eundem & proceed to no farther Degree only excepted.

Gul. Saywell, Procan.

Jos. Beaumont	Nath. Coga
Hen. James	Humf. Gower
Jo. Spencer	Ra. Cudworth
John Copleston	Sam. Blithe.
J. Balderston	

In omnibus his Statutis ubi nulla expressa pœna violatoribus imponitur, liceat Cancellario cum consensu Præfectorum Collegiorum certam pœnam assignare, atq. imponere eorum violatoribus; atq. ita legitima sit, ac si in prædictis Statutis præposita fuisset.

V. Stat. Eliz. Cap. 50, prope finem.

DECRETA PRÆFECTORUM.

Maii 26.

1570. 1. IT was adjudged & decreed by M^r. D^r. Mey, V. Chancellor, by the advice & counsell of M^r. D^rs. Hawford, Whitgift, & Ishell, justices of the peace, that no inhabitant within the town of Cambridge, being either Scholer or Scholer's servant, can or may be privileg'd by that title from the common days works of mending the high ways: but that all & singular shall either work or find sufficient labourers upon the paine limited in the Statute, except he be a labourer & so accounted. Scholars & their Servants to do daies works.

Maii 8vo.

1571. 2. Multis et gravibus de causis ordinatum, decretum, et statutum fuit et est per M^rum Johannem Whitgift, S.T.P. almæ Universitatis Cantabrigiæ Procancellarium, Præpositos, Magistros sive Præsidentes Collegiorum in Scholis publicis 8vo. Die Maii 1571, et Reginæ Eliz. 13°. Si quis Scholarium hujus Universitatis, cujuscunq. ordinis aut status fuerit, infra Gradum That no one goe into the water.

A. D.

Bac. Artium rivum, stagnum, aut aliam aquam quamcunq. intra Comitatum Cantabrigiæ, natandi seu lavandi causâ, diurno seu nocturno tempore ingrediatur; et super hoc vel evidentia facti, seu sufficienti probatione convictus fuerit; quod tum omnis hujusmodi sic delinquens pro prima vice ácritèr et severè, primò domi in Collegio in quo commoratur verberibus castigetur et puniatur palàm et publicè in communi aulâ, in præsentia omnium et singulorum Sociorum, Scholarium et reliquorum in dicto Collegio commorantium; et consequentèr proximo die palam et publicè in scholis publicis coram Lectore cujus est lectionis, vel esse debuit, auditor, et omnibus auditoribus ejusdem per unum Procuratorum, aut alium assignandum per Dnum Procancellarium severè acritèrq. verberibus ìtèrum puniatur et castigetur, omni excusatione, supplicatione, petitione aut indulgentiâ omninò cessante: Et secunda vice, quòd omnis sic delinquens et Collegio, cujus est Scholaris, et Universitate privetur, et ipso facto in perpetuum expellatur.

A Batch. of Arts to be set in the Coll. Stocks.

Quod si Baccalaureus Artium existat, tum pro primâ vice quilibet sic delinquens in cippis, pedibus constrictis per unum diem integrum in aula communi ejus collegii, in quo commoratur, plectatur: Et insupèr ante ejus dimissionem é cippis decem solidos legalis monetæ Angliæ persolvere teneatur ad commeatum sive Communes omnium in eodem Collegio existentium: et pro secunda vice idem Collegio et Universitate expulsus recedere teneatur, omni appellatione, querelâ, sive revocatione omnimodò et in omnibus supradictis cessante et remotâ. Quod si sit

A. D.

in Artibus Magister, aut Bac. in Jure, Medicina, aut Musicâ, aut superioris Gradûs aut ordinis, tunc eum severè puniendum et castigandum judicio et arbitrio Præpositi Collegii, in quo idem delinquens inhabitat, aut eo absente, Præsidentis et unius Decanorum commiserint præfati constituentes,

Jun. 27°.

1571. 3. Decretum fuit per Dnum Doctorem Whitgift, Procan. et Præfectos Collegiorum, juniorem Procuratorem deinceps habere debere omnem autoritatem eligendi et assignandi Patrem, Replicatores, et Baccalaureum Tripodis in die Cinerum, et seniorem Procuratorem similiter habere debere eandem autoritatem in magnis Comitiis. De Patre eligendo in die Cin. et Comit. V. inf.

Mar. 21°.

1571. 4. Whereas upon some controversies Mr. Proctors at the latter Act pronounced all the Questionists of this Year to have fully determined, & to be actually Batchelors, except the Questionists of Trinity College; it was defined, ruled, & determined by Mr. Roger Kelk, Dr. of Divinity, & V. Chan. of the University of Cambridge, Mr. Dr. Pern, Hawford, Whitgift, Chaderton, Bing, & Mr. Aldrich, that the said Questionists were full compleat & actual Batchelors; & that Mr. Proctors had no authority or power to change, alter, or prolong the Profession, Examination, & Determination of the Batchelors, other than the Statute in that behalf hath provided & determined. Limitation of the Proctors power at the Tripos.

Item, it was then & there by the said Mr. Doctors & Heads determined, that where in the Statutes any Mulct or Penalty is specifyed or assigned, in that case the Proctors cannot use or V. inf.

A. D.

exefcise any suspension, but only exact & demand execution of the said Mulct.

Mar. 25°.

Limitation about wearing Hatts.

1571. 5. It was defined & decreed by M^r. D^r. Kelk, V. Chan. D^r. Pern, Hawford, Whitgift, Chaderton, Ishell, Bing, & Sheapheard, that no excuse of wearing hatts should be allowed, either within the Coll. or abroad in the University, unless he that did wear any hatt within any College were non-commons; & without the College within the University, did wear a kercher with his hatt; else to pay the Mulct.

Feb. 8°.

Mulcta absentium à Lectionibus ordin^r.

1573. 6. Cum mulcta nulla assignatur pro absentiâ Magistrorum in Artibus, et superiorum Graduum, nec non Baccalaureorum in Jure civili et Medicinâ absentium ab ordinariis lectionibus; sancitum et decretum fuit 8°. Feb. A. D. secundum computum Ecclesiæ Angl. 1573, per Joh. Whitgift, S. T. P. almæ Universitatis Cantebrigiæ Procancellarium, Doctores Hawford, Kelk, Chaderton, et Harvey, Magistros Sheapheard, Legg, Norgate; quemlibet præmissorum absentem a Lectione pro primâ vice mulctandum duobus denariis, pro secundâ, 4, pro tertiâ, 8, pro quartâ, 16 denariis; et pro quinta vice pro judicio Procan. mulctandum, castigandum, ac puniendum. Et prædictæ muletæ dimidiam partem ad utilitatem ejus Collegii, in quo sic delinquens habitat, applicandam, alteram præconibus cedere.

Item iisdem die et anno sancitum et decretum fuit autoritate prædictâ, Decanos cujuslibet Collegii Magistrorum defectu, aut primarios Lectores mulctandos esse quatuor denariis totiès

A. D.

quotiès non assignabant monitores, qui singulis diebus schedulam absentium a Lectionibus Bedellis traderent.

Item iisdem die et anno decretum est, illud solum tempus reputari, et numerari posse pro completione Terminorum ad Gradus suscipiendos, a quo nomina Scholarium in Catalogo et albo alicujus Collegii sine dolo malo inscribuntur; et omne tempus in quo nomina non inscribuntur, ut præmittitur, pro nullo haberi, ac si Scholares commorantes in domibus Laicorum quotidiè ordinarias Lectiones audiverint. V. Sup.

Jun. 17°.

1573. 7. Decretum fuit per Doctorem Bing Procan. (sicut aliàs decretum fuit 13°. Jun.) cum consensu Præpositorum, that all Bushells of the Town & Country, wherewith any thing should be measured with heap, that they should bear the breadth & measure of the standard of Brass at the least, sub pœna limitandâ ad discretionem Domini judicis pro qualitate delicti. About the Size of Bushells.

Ultimo Julii 1575 idem decretum for the largeness of the Bushells renovatum fuit prædicta die, adjectâ pœnâ sex solidorum for every time & default.

Jun. 1°.

1575. 8. Decretum fuit per Doctorem Pern Procan. Doctores Hawford, Whitgift, Bing, et Legg Præsidentes Coll. Regal. Joh. Corp. Christi, Pembroke et Magd. Electionem eorum qui disputarent et responderent in maximis Comitiis spectare solum ad seniorem Procuratorem; et juniorem Proc. eandem habere autoritatem in die Cinerum: sed electio Patris in maximis Comitiis est penes Inceptores illius anni. De Autoritate Proc. in Comitiis, et electione Patris.

A. D.

Nov. 25°.

No office to exempt from any Exercise.

1578. 9. Definitum et decretum fuit per Dnum Th. Bing, LL. D. almæ Universitatis Cantabrigiæ Procancellarium, cum consensu Doctorum Hawford, Fulk, Howland, Harvey, Legg, Hatcher, Larking, Ward; et Magistrorum Nichols et Norgate, in præsentia Doctorum Chaderton et Barrow; quemlibet hujus Academiæ scholarem, juxta senioritatem suam in Universitate teneri ordine suo cum ad respondendum tum ad opponendum in Theologiâ, jure, et Medicinâ; nec non ad prædicandum: neq. Magistratum aliquem aut munus publicum (viz. Procuratoris, Taxatoris, aut Scrutatoris) liberum aut immunem posse præstare aliquem a prædictis oneribus, aut liberare debere aut posse juxta tenorem Statuti in Capite expressi.

None but Doctor's hoods to be lined with silk.

Item, it was in like manner decreed by Mr. Jo. Young, Dr. of Divinity, & V. Chan. of the University of Cambridge, with the assent & consent of all the Masters & Presidents of all the Colleges, in the common Schools assembled; that no man, unless he were a Dr. should wear a Hood lined with silk upon his Gown as Doctors usually do, upon the forfeiture of 6s. 8d. totiès quotiès; & if any shall refuse to pay the said fine or mulct, then he to be inforced by Mr. V. Chancellor's Authority to shew why he should not be punished for wilfull perjury.

Jun. 20°.

Nomina Quæstionistarum Procan. exhibenda.

1584. 10. Dr. Rob. Norgate, S. T. P. almæ Universitatis Cantabrigiæ Procan. de consilio et assensu omnium Præfectorum Collegiorum, qui huic chartæ subscripserunt, decrevit, quod Præfecti omnium

A.D.

et singulorum Collegiorum, et in eorum absentiâ eorum vices gerentes, schedulam continentem nomina et cognomina omnium et singulorum scholarium, qui in suis privatis Collegiis, publico suo, et Sociorum suffragio, domi ad respondendum quæstioni approbabuntur, Domino Procan. aut ejus deputato exhibebunt ante congregationem tenendam post hujusmodi domesticam approbationem. Item decrevit, quod prædicti Præfecti, vel eorum Vicarii non admittent in Collegia sua respectivè aliquem Scholarem, qui nunc, nec ante fuit de eodem Collegio, nisi Præfectus, aut ejus vices gerens per literas suas significaverint, sese licentiam dedisse prædicto scholari, ut a suo Collegio ad aliud transeat: sub pæna 40 solidorum legalis, &c. solvendorum per eum, qui aliquam partem hujus decreti violaverit, ad publicum opus et usum Academiæ.

No changing Colleges without leave, on Pain of 40 Shillings. *Vid. Sup.*

Per me Rob. Norgate, Procan.

Joh. Still — Rich. Howland
Tho. Legge — Urnf. Tyndall
Joh. Bell — Tho. Neville.
Edm. Barwell

Sept. 15°.
1600. 11.

15°. Die Sept. 1600, coram venerab. viro Dr. Soame, Procan. assidentibus Doctoribus Barwell, Overall, et Cowell et Mro. Chaderton, &c.

Memorandum, that upon perusing & viewing of the Charter of the University of Cambridge, granted by our Sovereign Lady Queen Eliz. &c. in the 3d year of her Majesties reign, & upon the sight of former Præsidents, concerning recogni-

Recognizances taken by the V. Chan. not to be returned at the Qr. Sessions.

A. D.

zances of the Peace, taken before the V. Chan. by vertue of his office being V. Chan. it was resolved, with the consent of the assistants abovenamed, that the recognizances of the Peace, taken before him, wherein a Scholar or Scholar's servant is a party, ought not by the said Charter to be certified to the Q^r. Sessions; althô in the tenor of such recognizances the name of V. Chan. & Justice of the Peace be joined together: for that such recognizances, wherein a privileged person is a party, cannot be taken but by his Authority as V. Chan. & the same matter of or for the Peace by him only as V. Chan. to be heard & finally determined. And likewise it was resolved, that if any prejudice should arise unto M^r. V. Chan. for not certifying the said recognizances, that the defence should be made, & the charges in that behalf born, & sustained by the University.

From Tabor, f. 276.

Oct. 20°.

A Sermon & Speech on the 5th. of Nov^r.

1606. 12. To the end that the 5th day of November may yearly hereafter be the more solemnly, & kept in this University of Cambridge according to a statute made & enacted in the last Session of Parliament; We Rich. Clayton, D^r. of Divinity, & V. Chan. of the University aforesaid, & the heads of the several Colleges there, do, with joint assent & consent, set down, ratify, & establish this order following: viz. that the senior D^r. of Divinity being Head of a College, shall preach the 5th day of November next in S^t. Maries Church, at 9 of the clock in the forenoon, after solemn prayer & thanksgiving be ended: &

A. D.

the next year viz. 1607, the next Dr. in Divinity in seniority being likewise Head of a College, shall preach the said 5th of Nov. in the said Church: and so all the rest of the Doctors, & others the Heads of Houses being Divines shall preach in their seniority successively the day & place aforesaid perpetuis futuris temporibus, either by himself, or (upon just cause to be excused or allowed by the V. Chan. for the time being) by some other Head of a College, by him whose course it is to be procured upon pain & forfeiture of five pounds for every default: the same to be paid to the use of the common chest of the same University: and the V. Chan. then newly elected, or that shall or may be elected that day, to be chargeable at his account to the University for the said sum of five pounds so forfeited. Further, we do likewise consent & assent, that every such 5th. day of Novr. there shall be an Oration in King's College Chappell in the said University at such an hour in the afternoon, as by the V. Chan. for the time being shall be thought meet & convenient: And in case no V. Chan. be chosen before one of the clock of the said 5th. day of Novr. then the said oration to be immediately after the election of the V. Chan. in the afternoon of the same day, & in the aforesaid Chappell: after the end of which Oration it is thought meet, that solemn service should follow presently in the same place with joyfull singing & hearty thanksgiving. The first Oration to be made by the new Orator of the University; & the next year & ever after perpetuis futuris temporibus by such an one as the V. Chan. or his Deputy, that shall be in place

A. D.

28 daies before the said 5th. day of Novr. shall think meet & sufficient to be appointed for that purpose.

In witness whereof we have hereunto subscribed our names. And this assembly to be solemnized in Scarlet.

Rich. Clayton, V. Chan.

Rog. Goad — Rob. Soame
Jo. Duport — Barn. Goath.

Against disorders at publick assemblys.

1606. 13. Whereas upon the 20th. of Feb. 1606 there was foul & great disorder committed at the time of a comedy in King's Coll. by most rude & barbarous throwing many great stones at & thrô the hall windows, with great outcries & shouting by multitudes of Scholars & others, for the space of about two hours together; there being then assembled the hall full not only of inferiour sort, but also of divers young noblemen, Doctors, Batchelors in Divinity, Masters of Arts, to their great offence, annoyance, & disturbance; beside the breaking of many other windows about the said College, & a great post of timber violently pulled out of the ground; & therewith divers running on a strong gate, the same was broke open (an outrage in some such like sort committed in other Colleges afore time, yet in that excessive manner the like not known among Scholars). For exemplary censure upon the present, & for remedy of any like future hereafter in any publick assembly in the University, it is, upon good consideration & resolution, order'd & decreed by Mr. V. Chan. & the heads of Colleges as follows: that whosoever being non-

A. D.

Graduate, or Graduate, or privileged person, is or shall be found or convinced in the abovesaid late & strange disorder at the said comedy, a thrower of stones against the said Glass windows, (especially against the Hall windows) a maker of loud shouts & outcries, or a violent breaker open of doors or gates by a main post pulled up; or shall hereafter be found in any like assembly in the time of any play, shew, comedy, or tragedy, committing the same or like offensive riotous action; or else a partaker, Counsellour, or inciter, shall, if they be convinced to be principall offenders before M^r. V. Chan. & the more of the Heads then at home, be banished the University. If offending in lower Degree (then being Graduates) besides private satisfaction for the harm done, shall be suspended their Degree; so to continue at the discretion of M^r. V. Chan. & also to be stay'd for one whole year for taking further Degree, when his time for the same shall come. But if such offenders shall be non-Graduates, or privileged persons, then being *non-adulti*, they shall be corrected in the Schooles by the rod; if *adulti*, they shall make some open confession of their fault in the said Schooles, in the presence of such as M^r. V. Chan. shall call; & nevertheless both sorts of them shall be made uncapable for one whole year of their expected Degree, when their time cometh. And if any that have or shall have part in the disorders or any of them, not being a Scholar, shall be found an offender, then every such person shall be punished by imprisonment, & sitting in the stocks at the Bull-ring in the markett-place, so long as to M^r. V.

A. D.

Chan. shall seem good according to the quality of the person, & Degree of the offence.

Sam. Harsnett, Procan.

Tho. Nevile	Jo. Cowell
Rog. Soame	Edmund Barwell
Rog. Goad	Humph. Tyndall.
Joh. Duport	

Against night-jetters, keepers of Greyhounds, &c.

1606. 14. Whereas there hath divers. times fallen out sundry disorders, especially in the night time, by such Scholars as take upon them (being but private persons) to goe forth into the town pretending & abusing the Proctors authority, & carrying with them divers unfit & unstayed persons, whereby many inconveniencies have ensued to the disquiet of the inhabitants, & discredit of the University. And whereas also diverse Scholars of the University, especially of late years, have used to shoot in guns, Cross-bows, & Stone-bows, both near home & also in the neighbour towns, where they have wandred abroad: and usually have kept greyhounds, & some of them hunting horses to that end (either by themselves or others in the town) for coursing & hunting to the destroying of the King's game, & to the mispending of their time; (having had often warning heretofore from Mr. V. Chan. upon his Majesties inhibition also signified in every College, yet stil have presumed to continue the same disorders). For remedy whereof it is by Mr. V. Chan. & the Heads of Colleges provided & decreed, that whatsoever Scholars or Students or any retaining to them shall hereafter be found & convinced, either to take upon him the Proctors authority as is abovesaid; or to ac-

A. D.

company any that shall so presume to usurp the said authority; & shall goe abroad making the night scrutiny in the streets into mens houses or fields adjoining; or shall shoot in guns, crossbows, or stone-bows, either within the limits of the University or without; or shall keep by himself or others any greyhounds, or shall wander in the fields either with greyhounds, guns, crossbows, or stone-bows, it is by the consent abovesaid decreed, that every Scholar so offending, being convicted & adjudged in manner aforesaid, shall incurr respectively (according to the degrees of his offence) the severall penalties above specified for the disturbers of public assemblys. And if any shall be found a keeper of greyhounds in the town for any Scholer, Student, or Scholer's servant, every such shall sufferr imprisonment, & five shillings mulct for the first time; & after so offending, double punishment, viz. ten shillings mulct, & imprisonment at M^r. V. Chancellor's discretion. The said mulcts to go to the use of the University.

Sam. Harsnett, Procan.

Rog. Goad	Rob. Soame
Tho. Nevile	Edm. Barwell
Humph. Tyndall	Joh. Duport.

1607. 15. Being found by experience, that there is too much practice grown of late years among Scholars of this University (not heard of in former better times) in excessive drinking, foul drunkennes, & taking tobacco, in taverns & shops too commonly & immodestly frequented to the dishonour of God, the great scandal of the Univer-

Against drinking & taking tobacco.

A. D.

sity at home & abroad, waste of expence, beside hurt of bodie & mind, & evil example from those that profess learning & sobriety. For redress hereof, it is by due deliberation decreed by M^r. V. Chan. & the Heads of Colleges, upon interpretation of a part of a Statute *De modestiâ*, &c. as follows, viz. whatsoever Scholar or Student, or privileged person of this University shall hereafter be convicted of excessive drinking, drunkennes, or making others drunk, especially in the night time, in tavern, inn, or victualling house, or taking tobacco in such houses, taverns, or shops, of what condition or degree soever he be; if he shall be convicted before M^r. V. Chan. & the more part of the Heads of Colleges then at home, to be an offender in the premises, or any of them, shall by the consent above-said be banished the University; & be degraded if he be a Graduate; others, if they shall be found faulty in inferior degrees, shall incurr, if they be Graduates, to be degraded by M^r. V. Chan. for so long time as he shall think good; & also for one whole year to be stayed from taking their further Degree at their time: If non-Graduates, then to be made incapable for one whole year of their Degree when their time cometh; & also enjoined by M^r. V. Chan. openly in the Schooles to declaim against that abuse, if they be adulti: if not adulti, then to undergoe correction by the rod in the Schooles: and if any privileged person, then they to be discommuned by the authority aforesaid. And if any Taverner, Innholder, or Victualler, shall receive & suffer any such disorder'd Scholars, Students, or privileged persons in their houses,

A. D.

misdemeaning themselves in the prémises; or shall be found to entertain or sufferr to drink in his house any Student or privileged person, after the bell hath done ringing at the usual hour of the night by the Statute of the University expressed & limited; such housekeeper shall forfeit ipso facto to the University the sum of 40 Shillings for every time so offending, agreeably to the Statute in like case provided. And it is further order'd, by the advice & consent aforesaid, that if any Student in this University of what condition or degree soever, shall take tobacco in St. Maries Church in the Commencement time, or in the Schooles in the Lent Acts, or at any other time of exercise of learning in the said Schooles, in any dining hall of Colleges, or at any time & place of Comedies, or publick University Tragedies, Shews, or Assemblies; the same offendor being a Graduate, thereof convicted before M^{r}. V. Chan. shall for the first time offending herein incurr the mulct of 6^{s}. 8^{d}. & for the second time so offending 13^{s}. 4^{d}. & also to be by M^{r}. V. Chan. suspended his Degree during M^{r}. V. Chan.'s pleasure: And if such offendor be non-Graduate & adultus, he shall incurr the mulct of 6^{s}. 8^{d}. for the first time; for the second 13^{s}. 4^{d}. for the third time 13^{s}. 4^{d}. & also be made incapable of his Degree for a whole year, when his time cometh; & if any herein shall offend non adultus, then every such shall have correction in the Schooles by the rod. All the said mulcts to goe to the use of the University. Further enjoyning & requiring every governour in the several Colleges to look unto this taking of tobacco, excessive drinking, & drunk-

A. D.

enness, if any shall be; & to punish such offendor according to the tenor of this decree.

Sam. Harsnett, Procan.

Humph. Tyndall — Jo. Duport
Jo. Cowell — Rob. Soame
Rog. Goad — Ed. Bartwell.
Tho. Nevile

Oct. 10,

Only 3 daies non-Term on the death of a Gremial.

1619. 16. Decretum est per Dnum Procan. et Præfectos Collegiorum, quorum nomina subscribuntur; quod deinceps post mortem Gremialis cujuscunq. per triduum tantum sit non-Terminus, et vacatio a lectionibus et exercitiis scholasticis secundum antiquum statutum de exequiis ex hac parte provisum. Quod si quis funebrem solennitatem observari pro defuncto desideret, ut diem postea ad funus destinatum petat, et habeat ad assignationem Dni Procancellarii.

Jo. Gostlin, Procan.

Jo. Richardson — J. Hills
Rog. Andrews — Leon. Mawe
Sam. Collins — Val. Carey
Rob. Scott — Oen. Guinn
J. Davenant — Hieron. Beale
Sam. Ward — Sam. Wallshall.
L. Chaderton

Nov. 19°.

De personis vagis et fœminis a Collegiis amovendis.

1625. 17. Cum contra antiquas Academiæ et Collegiorum statuta paucis abhinc annis intra Collegiorum parietes pueri et viri literarum rudes et penitus inepti, qui progressum aliquem in studiis

A. D.

Academicis faciant, et fæminæ præterea irrepserint ad ea opera facienda, quæ a studiosis egenis ad eorum impensas sustentandas fieri solebant, unde et pauperibus scholaribus gravè damnum, et Universitati scandalum domi, foris opprobrium accreverint: ad occurrendum hisce malis per Dnum Procan. et Præfectos Collegiorum sic decretum est. Nulli deinceps pueri aut viri hujusmodi, literarum ignari aut in Collegio aliquo residere, aut circumvagari, aut quocunq. modo aut prætextu sese ad hujusmodi Servitia perficienda intrudere permittantur, nisi fuerint aut Collegii illius ministri, aut peculiares alicujus servi, qui Dominorum suorum tantum negotia expediant. Nulla deinceps mulier cujuscunq. ætatis aut conditionis, aut per se audeat, aut vocata ab aliis permittatur in quocunq. Collegio in privatis cubiculis quorumcunq. lectos sternere, aut ad aulam aut ad culinam, aut ad promptuarium accedere, ut cujuscunq. commeatum, aut panem, aut potum intra Collegii limites ad cubiculum alicujus Scholaris deferat, nisi vocata fuerit ad custodiam infirmi alicujus ægrotantis: ægrotantium custodes, et lotrices omnes maturæ sint ætatis, bonæ famæ, et uxores, aut viduæ; quæ per se lintea Scholarium lavanda recipiant, et lota referant: neq. permittantur quocunq. prætextu ancillæ adolescentes ad studiosorum cubicula accedere. Si ad sordes efferendas necessitas fuerit, Collegiorum tantum Elemosynariæ, aut vetulæ quinquaginta ad minimum annorum ad hæc opera permittantur. Si quæ mulieres aliæ aut aliter quam decretum est, Collegio frequentaverint, admoneantur desistere, et prohibeantur per Præfectos, Præsides, aut Decanos Collegiorum. Quod

A. D.

si prohibitæ non desistant ab ingressu collegii, ad Dnum Procan. deferantur; ubi, si contumaciæ convictæ fuerint, tanquam incorrigibiles ab Universitate et villa Cantabrigiæ, et ab omnibus villis intra quatuor milliaria ab eadem villa distantibus banniantur secundum Chartam Academiæ concessam per Regem Henricum sextum. Si qui studiosi in Coll. pueros, viros, aut fœminas hoc decreto prohibitas, ad cubicula sua accersant aut recipiant, singuli Collegiorum Præfecti, aut in eorum absentia Præsides contra delinquentes secundum Collegiorum suorum statuta procedant: Si per Coll. Statuta satis provisum non sit; convocatis iis quorum interest prospicere ne quid detrimenti Collegium capiat, ordinationes hujusmodi inter se maturo consilio faciant, quæ ad honorem Academiæ tuendum, ad Collegiorum famam et innocentiam conservandam maximè utiles et necessariæ videantur.

J. Gostlin, Procan.

Sam. Ward	Jerom. Beale
Hen. Smith	Mat. Wren
Th. Bainbrig	Sam. Collins
Jo. Mansell	Leon. Mawe
Oen Guinn	Th. Pash.
Th. Eden	

Nov. 21°.

Contra commessationes Disputantium.

1625. 18. Cum pessimo more candidati, post disputationes in Scholis, privatas et majoribus nostris penitùs ignotas invitationes induxerint ad grandem Academiæ infamiam, et gravissimas expensas et damnum eorum, qui summo labore suo et curâ studiosos alunt, ad querelam hanc adversus

A. D.

Academiæ disciplinam auferendam, per Dnum Procan. et Præfectos Collegiorum sic decretum est, ut omnes, Inceptores et Quæstionistæ deinceps futuri ab omnibus hujusmodi invitationibus, commessationibus, et conventibus abstineant; nominatim ne Moderatores aut Disputantes audeant vel invitare, vel hujusmodi invitationes cujuscunq. rogatu acceptare;. aut commessationibus ejusmodi interesse. Quod si qui in isto genere delinquant, ut habeantur infames propter luxuriam atq. intemperantiam, et ab eo Gradu, quem habent, suspensionem incurrant, atq. intra annum illum in quo deliquerint, nullam Gratiam ulteriorem neq. Gradum obtineant in Academiâ.

Jo. Gostlin, Procan.

Sam. Ward	Sam. Collins
Hieron. Beale	Jo. Mansell
Leon. Mawe	Tho. Bainbrigg
Th. Pash	Jo. Preston
Oen. Guinn	Hen. Smith
Mat. Wren	Th. Eden.

Sept. 18°.

1626. 19. Cum gravi Academiæ incommodo et Officiariorum molestiâ, qui Baccalaureatum in Theologiâ quotannis suscipiunt, exercitia sua in extrema tempora Comitiis proxima differre soleant: Decretum est per Dnum Procan. et majorem partem Præfectorum Collegiorum, ut Gremiales singuli, qui Gradum prædictum deinceps susceperi sint, omnia exercitia ad Gradum hunc requisita omninò ante festum Sancti Barnabæ præstare teneantur; alioquin ad Gradum prædictum nequaquam eo anno admittantur, nisi aut eorum

Exercitia pro Gradu S. T. B. ante festum St. Barnabæ præstanda.

A. D.

propriæ vel in templo concionandi, vel in Scholis disputandi vices inter festum prædictum et majora comitia inciderint, aut ex justa et necessaria causa impediti fuerint, quo minùs prædicta exercitia suo tempore perficere poterant, eaq. causa per Dnum Procan. et alterum ex Professoribus in Theologia, et seniorem in Theologia Doctorem tum præsentem in Academia unanimi consensu approbetur.

Jo. Gostlin, Procan.

Sam. Ward	Hieron. Beale
Leon. Mawe	Jo. Preston
Sam. Collins	Mat. Wren
Hen. Smith	Hen. Butts
Th. Bainbrig	Th. Eden.

Jan. 21°.

Fees to be taken by the Examiners. V. Sup.

1582. 20. Memorandum, that it is & was order'd by Mr. Jo. Bell, Dr. in Divinity, V. Chan. of the University of Cambridge, with his assistants, viz. Dr. Pern, Goad, Howland, Harvey, Bing, Legg, & Mr. Nevile, the 21 Jan. an. Reg. Eliz. 25°. that the Examiners elected by the University for the Quæstionists shall take no mony or reward for examining of any Scholar, sitting orderly in the Schools, at the usuall days of examination, neither shall take any reward, or any other thing of any that do sitt, thô they be for a better tryall respited, or stayed at the first examination, & not allowed at the posers oration. But if any Scholar or Quæstionist shall not sit in the usuall place & time of examination, & after that time shall desire to proceed in that Degree, then the cause of his absence from the usuall & accustomed ex-

A. D.

aminations being allowed by the M^r^. of the College, where any such Scholar shall be, under his hand-writing, shall be commended to the V. Chan. for the time being, who taking of the said Scholar 20^d^ for the use of the University, shall also subscribe his name, & return the said Grace or writing unto the Examiners, who then taking for their pains & to their use another 20^d^, shall examine the party, & upon their good liking & allowance subscribe their names to the aforesaid writing, which then shall be presented to the head, & so orderly to the whole University; & every person so examined shall be bound to pay the said 3^s^. 4^d^. before he be examined, which he shall forfeit & loose, whether he be rejected or allowed; because he did not observe the usuall time & daies of examination. And if any Examiner shall do contrary to this decree, he is to be punished at the discretion of the V. Chan. for the time being. And it was likewise order'd, that the Proctors should take nothing for any absence of standing in Lent upon the like pain of punishment, at the appointment of the V. Chancellor.

Jan. 22, 1630. D^r^. Butts being V. Chan. caused the foregoing Decree to be set upon the School gates, & subscribed the same in this manner: "I require "that all persons, whom this "order or decree may con- "cern, to observe the same "in every particular to their "peril."

HEN. BUTTS, Procan.

A. D.

Jan. 31°.

About attendance at Disses, & suspensions by the Proctors.

1630. 21. Whereas of late some doubts have been made out of these words in the 48 chapter of the University Statutes, viz. *Et providebunt ut omnes, qui præsto esse tenentur, adsint, nec sine legitima et approbata causa discedant, eosq. qui contra faciunt, primo tempore* 4^{d}. *secundo* 12^{d}. *tertio* 20^{d}. *quarto graviori pœna mulctabunt*, &c; whether all Junior & Senior Sophisters of the severall Colleges be bound to be present & attend at the Masters of Arts Disses in the Philosophy Schooles under the pains & penalties in the said statute prescribed; We whose names are underwritten, after mature deliberation, & perusal of the said words, & of these words, Cap. 6°. *Primus annus rhetoricam docebit, secundus et tertius Dialecticam, quartus adjungat Philosophiam: et Artium istarum domi forisq. pro ratione temporis quisq. sit auditor*, &c. do order, decree, declare, & interpret, that those Sophisters only, which are of the fourth year, & are not admitted Quæstionists, shall be bound to attend at the said Masters of Arts Disses, & liable to the penalties in the said Statutes mentioned for absence from the same; & that the Proctors or their deputies (where in the University Statutes any mulct or penalty is specified) shall not at any time hereafter use, or exercise any suspension either against Sophister or Batchelor of Arts for any absence from Lectures, or Disses, but only demand execution of the mulcts in the Statutes mentioned.

V. Sup.

Hen. Butts, Procan.

Sam. Ward — Th. Batchcroft
Tho. Paske — Sa. Collins

A. D.

Jo. Mansel — Th. Bainbridge
W^m. Sandcrofte — Hen. Smyth.
Sa. Brooke

From Tabor, f. 403.

Jan. 27°.

1662. 22. For the more solemn observation of the 30th day of Jan. in this University, it is agreed by the V. Chan. & Heads of houses, that every D^r^. in Divinity, being Head of a College, shall according to seniority, preach at St. Maries Church at nine of the clock in the forenoon on the said 30th of January: & if any shall fail so to preach, or to procure one of the Heads of Colleges, or a D^r^. in Divinity, to preach for him, he shall forfeit 6^lb^. 13^s^. 8^d^. to the use of the common chest, & the V. Chan. shall stand charged with the said sum at the next audit.

A sermon & speech on the 30th of Jan.

It is further agreed, that on the same day there shall be a speech yearly at two of the clock in St. Marie's Church, or such place as the V. Chan. shall assign, to be made by such as the V. Chan. shall appoint. Jan. 27, 1662.

Edw. Rainbow, Procan.

Ja. Fleetwood — Mark Frank
Jo. Pearson — Jo. Lightfoot
Pet. Gunning — Th. Dillingham
F. Wilford — Ra. Cudworth
Ant. Sparrow — Jo. Beaumont.
W. Sandcroft

Ap. 3°.

1663. 23. Ordo quo singula Collegia concionatores in matutinis Dominicalium, et opponentes in disputationibus suppeditabunt, constitutus per Procan.

Ordo concionatorum, & Disputantium.

A. D.

et Præfectos Collegiorum juxta tenorem Literarum Regiarum datarum 3°. die Aug. 13°. Car. secundi, 1661.

Primò	Coll. Regale	-	unum.
Deinde	Coll. Trin.	-	unum.
Post	Coll. D. Joh.	-	unum.
Post	Coll. Xti. Sti. Petri, & Magd.	-	unum.
Post	Coll. Regin. Aul. Pemb. & Cath.	-	unum.
Post	Coll. Corp. Xti. Clar. & Sid.	-	unum.
Post	Coll. Caii. Jes. & Eman.	-	unum.

Edw. Rainbow, Procan.

Ja. Fleetwood	Ra. Cudworth
Pet. Gunning	Rob. King
Jos. Beaumont	Mark Frank
Rich. Minshull	W. Sandcroft
John Pearson	Th. Dillingham.

Ordo Procuratorum, Taxatorum et Scrutatorum.

1663. 24. Ordo constitutus per V. Can. et Præfectos Collegiorum, quorum nomina subscripta sunt, quo singula Collegia Procuratores, Taxatores, et Scrutatores nominabunt, et præsentabunt juxta tenorem Regiarun Literarum datarum 3°. Aug. 1661, An. Car. 2di. 13°.

Procedat ordo, qui nunc in usu est, usq. ad An. 1666: inde initium sumat circulus hic de novo constitutus et infra descriptus.

1666	1	Coll. Joh. Coll. Regin.	1683	18	Coll. Trin. Coll. Eman.	170[illegible]	35	Coll. Regal. Coll. Magd.
1667	2	Coll. Xti. Coll. Pet.	1684	19	Coll. Joh. Coll. Xti.	1701	36	Coll. Trin. Coll. Jesu.
1668	3	Coll. Regal. Aul. Clar.	1685	20	Aul. Clar. Aul. Pemb.	170[illegible]	37	Coll. Joh. Aul. Clar.
1669	4	Coll. Trin. Coll. Corp. Xti.	1686	21	Coll. Caii Coll. Corp. Xti.	1703	38	Coll. Regin. Coll. Sidn.
1670	5	Coll. Joh. Coll. Mag.	1687	22	Coll. Regal. Coll. Regin.	1704	39	Coll. Caii. Coll. Eman.
1671	6	Aul. Pemb. Coll. Jesu.	1688	23	Coll. Trin. Coll. Jesu.	1705	40	Coll. Regal. Coll. Cath.
1672	7	Coll. Regin. Coll. Sidn.	1689	24	Coll. Joh. Coll. Petri.	1706	41	Coll. Trin. Coll. Petri.
1673	8	Coll. Regal. Coll. Eman.	1690	25	Coll. Xti. Coll. Magd.	1707	42	Coll. Joh. Coll. Christi.
1674	9	Col. Trin. Coll. Caii.	1691	26	Coll. Regal. Aul. Cath.	1708	43	Aul. Pemb. Coll. Corp. Xti.
1675	10	Coll. Joh. Coll. Pet.	1692	27	Coll. Trin. Aul. Pemb.	1709	44	Coll. Regin. Aul. Clare.
1676	11	Coll. Xti. Aul. Clar.	1693	28	Coll. Joh. Coll. Sidn.	1710	45	Coll. Regal. Coll. Magd.
1677	12	Coll. Regal. Coll. Corp. Xti.	1694	29	Aul. Clar. Coll. Eman.	1711	46	Coll. Trin. Coll. Jesu.
1678	13	Coll. Trin. Aul. Pemb.	1695	30	Coll. Regin. Coll. Caii.	1712	47	Coll. Joh. Coll. Petri.
1679	14	Coll. Joh. Coll. Jesu.	1696	31	Coll. Regal. Aul. Trin.	1713	48	Coll. Xti. Coll. Sidn.
1680	15	Coll. Regin. Coll. Magd.	1697	32	Coll. Trin. Coll. Corp. Xti.	1714	49	Coll. Caii. Coll. Eman.
1681	16	Coll. Petri. Aul. Cath.	1698	33	Coll. Joh. Coll. Petri.	1715	50	Coll. Regal. Aul. Pemb.
1682	17	Coll. Regal. Coll. Sidn.	1699	34	Aul. Pemb. Coll. Xti.	1716	51	Coll. Trin. Aul. Cath.

A. D.

Quo in circulo vices habent.

Coll. Regal.	-	11	Coll. Caii	-	5
Coll. Trin.	-	11	Coll. Regin.	-	7
Coll. Joh.	-	11	Aul. Trin.	-	1
Coll. Petri	-	7	Coll. Sidn.	-	5
Coll. Magd.	-	5	Aul. Clar.	-	6
Aul. Pemb.	-	7	Aul. Cath.	-	4
Coll. Corp. X^{ti}.		5	Coll. Christi	-	7
Coll. Jesu	-	5	Coll. Eman.	-	5

Singula Collegia Taxatores anno a sua nominatione Procuratorum proximo, et inde anno sequente Scrutatores nominabunt, et præsentabunt.

Edw. Rainbow, Procan.

Ja. Fleetwood	Jo. Pearson
Mar. Frank	Fr. Wilford
Th. Dillingham	Edm. Boldero
Ra. Cudworth	J. Lightfoot
Ri. Minshull	J. Beaumont
P. Gunning	Gul. Sandcroft.

Apr 19°.

Of the Prævaricator & Tripos.

1667. 25. It is agreed at a meeting of the Heads, that in the stead of Prævaricator's usuall performances in the Majora Comitia, & of the Tripos in the first or latter Act of the minora Comitia, that the Prævaricators & Tripos respectively only maintain what part of a quæstion he pleaseth, & make a serious position to maintain it as well as he can; but shewing first his position to the V. Chan. & the Opponents without making any speech to bring their serious arguments. And if either the Prævaricator or the Tripos shall say any thing upon the pretence of his position, but

A. D.

what he hath before shewn to the V. Chan. & what he hath allowed; or any Opponent shall obtrude any sort of speech, or other arguments than serious & philosophicall, he shall be punish'd with the censure of expulsion. Or if any person to whom the V. Chan. shall send to require of him to undertake the office of such Answerer or Opponent in the majora or minora Comitia shall finally refuse it, he shall also be subjected to the same censure of expulsion.

Fr. Wilford, Procan.

Jo. Beaumont	Th. Dillingham
Jo. Pearson	Ri. Brady
Pet. Gunning	Jam. Fleetwood
Ri. Minshull	Edm. Boldero.

Feb. 8°.

1668. 26. It's agreed at a meeting in the Consistory by the V. Chan. & the greater part of the Heads whose names are here subscribed; that there be allowed to the Library keeper for the time being the sum of 35lb. by the year, to be paid unto him by even portions quarterly by the V. Chan. beginning from Xtmas last 1668, besides the usuall fees from the Commencers: he, the said Library keeper being to provide out of the same allowance one that he will trust under him; that so the publick * Statute lately made touching the Library keeper may be duly observed, & that ten pounds be given him extraordinary at present for the pains which he hath taken in setting the books in order. And for the writing the Cata-

Library keeper's salary 35lb per An. This was but 5 marks before. *V. Bucks Bo.*

* Sup.

A. D.

logues, the University will take those into consideration, when they shall be finished.

Edm. Boldero, Procan.

Ja. Fleetwood	Peter Gunning
Rich. Brady	Rob. King
Jo. Spencer	Jo. Pearson
Jos. Beaumont	Ra. Cudworth
Rich. Minshull	Th. Dillingham.

Jul. 18.

Residence of Scholars before their first Degree.

1681. 27. Whereas there have been formerly several Orders & Decrees made, to oblidge young Scholars to constant residence in the University 'till they have taken their first Degree at least; which have of late years been quite neglected, to the great disadvantage of the Scholars themselves, as well as the dishonour of the University, it was, the day & year abovewritten, resolved & decreed by M^r. V. Chan. with the consent of the Heads of Colleges, who have signed this order, that according to an antient interpretation made in this case, if any person after his admission into any College in this University, shall not continue the greatest part of every Term (excepting only the first & the last) during the whole time of his 4 years, he shall not be capable of being admitted to his Degree with the rest of his year, or have the time of his absence accompted towards the accomplishment of that required necessary for his first Degree: And therefore the form of the Grace for that purpose shall be in the antient stile: *Supplicat Reverentiis vestris A. B. ut duodecim Termini completi in quibus ordinarias Lectiones audiverit (licet non omninò secundum*

V. Sup.

A. D.

formam Statuti) per majorem partem cujuslibet Termini, una cum, &c. But if the discontinuance of such persons shall be occasioned by the plague's being at Cambridge, or by the sickness of himself, or any other necessity or lawfull cause, then every person so absent shall insert in his Grace exhibited to the University for his Degree the time & cause of his absence; & so committ the same to the good liking & approbation of the University. Furthermore, whereas it has V. Sup. been formerly decreed, that the Master of every College shall exhibit to the V. Chan. for the time being, a list or catalogue of the Christian & Surnames of all such, who in their respective Col[s] leges shall be approved of to be presented to the V. Chan. & the University in order to admission to their first Degree, before the first Congregation, that shall be after the said approbation: It was on the day & year above-mentioned, resolved & decreed by M[r]. V. Chan. & the Heads of Colleges before specified, that such a Catalogue under the hands & seals of the Masters of the several Colleges, or in their absence, under the hands & seals of their Presidents, Deputies, or Vicegerents, shall for the future be duly presented to the V. Chan. for the time being, at the time appointed: in which list so presented, the said Masters, or in their absence, their Presidents, Deputies, or Vicegerents, shall signify & attest, that the persons, whose names are therein contained, have all continued in the University according to the tenor & meaning of this interpretation and Decree, as appears to them, after a diligent & faithfull examination made by themselves, or their order, of the Tables, books of

A. D.

Commons, or Stewards books, or such other Registers, which in their respective Colleges can give true testimony in that matter.

Provided, that nothing in this Decree contained, shall be interpreted to extend to any discontinuance already past; and therefore those words now order'd to be restored to the Grace *per majorem partem cujuslibet Termini*, are to be understood only of so many Terms as he that supplicates for his Degree hath spent since the day of the date of this Decree.

Humf. Gower, Procan.

Jo. North	Jo. Spencer
Jo. Eachard	W^m^. Saywell
Jo. Beaumont	R. Brady
S. Blithe	Ra. Cudworth
Jo. Balderston	Tho. Exton
Ri. Minshul	Nath. Coga
H. James	Jo. Peachell.

A. D.

1686. 28. Academia in alimoniam solvit

Solutiones in pauperum alimoniam.

Coll. Trinitatis -	
Coll. Regale - -	
Coll. S^{ti}. Johannis	
Coll. Christi - -	
Coll. Gonv. et Cai	
Coll. Reginale -	
Coll. Emanuelis -	
Coll. Petri - - -	
Coll. Jesu - - -	
Aulæ Claræ - - -	
Aula Trinitatis -	
Coll. Magdalenæ	
Coll. Sidneyense	
Aula Pembrochiæ	
Coll. Corp. Christ	
Aula Catharinæ -	
Sum	

£.	s.	d.
Per An. 126	08	00

Dec. 19°.

1672. 29. Whereas there is some doubt of the sense & meaning of some words, in the Deed of Settlement of M^{r}. Rustat's gift to the Library, relating to the time when, & the persons to whom the Account thereof is to be given: We the V. Chan. & Heads of the University, whose names are hereunto subscribed, do conceive it most agreeable to the meaning of the Donor, that the said Account should be given at the time of the University Audit, to the Auditors of the common chest, in a distinct book to be kept for that pur-

The Account of M^{r}. Rustat's gift to be settled at the Audit.

A. D.

pose; and that all the former Account relating to the same shall be transcribed into the said book.

W^m. Wells, Procan.

Ja. Duport	The. Dillingham
Rob. Mapletoft	Ro. King
Jos. Beaumont	Ri. Minshull
Joh. Pearson	Joh. Breton
Ja. Fleetwood	Jo. Spencer
Edm. Boldero	Rob. Brady.

From Tabor, f. 114.

Feb. 11,

No Scholar to enter any scandalous house in Barnwell.

1675. 30. Whereas there hath been lately much complaint of disorders committed at Barnwell, & that divers houses there are become infamous for harbouring lewd women, drawing loose Scholars to resort thither: It is order'd & decreed by the Heads of Colleges, whose names are underwritten, that hereafter no Scholar whatsoever (except Officers of the University, performing their duty in searching houses) upon any pretence whatsoever, shall enter into the house of Francis Harvey, or of W^m. Butler, or of W^m. Larkin, or of Edw. Davies, or of John Clark, or into any other House of bad report in Barnwell: And that if any Scholar shall presume to disobey this decree, he shall for his misdemeanour & contumacy be immediately expelled from the University.

Isaac Barrow, Procan.

Tho. Page	Ri. Minshull
Jo. Beaumont	Ra. Cudworth
Jo. Spencer	John Eachard

A. D.

Rob. Mapletoft Ro. King.
Th. Dillingham

From Tabor, f. 729.

Ap. 25°.

1678. 31. Order'd & decreed, that no man shall be dispensed with for his exercises for the Degree of D^r^. in Divinity, before he deposite in the V. Chancellor's hands a Caution of 40^lb^. for the performance of his Acts; & 6^lb^. for the performance of his Clerum; & 40^s^. for his Sermon; & 40^s^. for his Oppositions, & 40^s^. for his Determination. Cautions settled. V. inf.

And that none who are to proceed D^r^. in Law or Physick shall be dispensed with for their respective exercises, unless they put into the hands of the V. Chan. for the time being a Caution of 30^lb^. for the performance of the same.

Order'd also at the same meeting, by the persons aforesaid, that the entertainment to be given by the D^r^. in Divinity answering the Act in Vesperiis Comitiorum, shall not be made, 'til all the Academick exercises of that day be performed.

And likewise, that no Candidate for the Degree of D^r^. in Divinity shall be admitted to the said Degree unless his Grace be propounded to the University at or before St. Barnabas day.

Tho. Holbech, Procan.

Tho. Page Nath. Coga
Ra. Cudworth Jo. Beaumont
Jo. Eachard J. Spencer
Ri. Minshull Hen. James.
Th. Dillingham

From Tabor, f. 668.

A. D.

May 9°.

About Sophs treats, & their Exercise.

1680 .32. Whereas by several Statutes & Orders, very severe punishments have been often threatned against such, who performing exercise in the Sophisters Schooles should on that occasion be at any expence: It is agreed & absolutely determined at a meeting of the Heads, whose names are here subscribed, that if any one shall give, or accept of any treat, gloves, or other present, at any time, upon the forementioned account, he shall certainly be stopped from taking the Degree of Batch. of Arts for one whole year after such offence: And likewise, that the same punishment shall be as certainly inflicted upon those who shall obstinately neglect to perform such exercises as are required of them by the Proctor.

Jo. Eachard, Procan.

Th. Page	Hen. James
Ra. Cudworth	Rob. Brady
Nath. Coga	Jos. Beaumont
W^m^. Saywell	H. Gower
Th. Holbech	S. Blythe
Jo. Spencer	J. Peachell.

From Tabor, f. 725.

Jun. 3°.

That Scholars wear their proper habits, & no morning gowns.

1681. 33. Whereas several Under-graduates & Batchelors of Arts have of late neglected to wear such gowns, as by order & custom are proper for their rank & standing in the University, whereby the common distinction of Degrees is taken away, upon which have followed many & very great inconveniencies: It was this day in Consistory

A. D.

resolved, order'd, & decreed, by the V. Chan. with the consent of the Heads of Colleges, whose names are underwritten, that none residing in the University, under the Degree of Master of Arts, shall hereafter, upon any pretence whatsoever, be allowed to appear publickly, either in or out of Colleges, in morning gowns, or gowns made after that fashion, or any other, but what by order & custom of the University belongs to their Degree & standing: And that if any shall presume after the feast day of St. Barnabas, next following the date of this Decree, to act contrary to the tenor of it, he shall be proceeded against, & punished with all the severity that such disobedience & contumacy will deserve.

D^r. Gower, V. Chan.

S^r. Tho. Page	D^r. Saywell
D^r. Eachard	M^r. Balderston
D^r. Peachell	D^r. Spencer
D^r. Beaumont	D^r. Blythe
D^r. James	D^r. Brady.

From Tabor, f. 480.

Jan. 17°.

1683. 34. Decretum fuit, A. D. 1581, die vero mensis Feb. 27°. in Consistorio Almæ Universitatis Cantab. autoritate et consensu Dris Gul. Fulk S.T.P. et dictæ Universitatis Procan. Doctorum, Pern, Styll, Goade, Howland, Norgate, et Harvey, et Magistrorum Tyndal & Barwell; quod nullus alicujus Collegii Præpositus deinceps alicui Gratiæ sive Petitioni subscriberet nisi in Academia; idq. in præsentia octo ad minimum præfatorum Præpositorum conferentium et consentientium

Gratiæ a Præpositis quomodo subscribendæ.

A. D.

super eadem Gratia sive Petitione, sub pœna 20*l.* legalis monetæ Angliæ, solvendorum ad opus et usum Academiæ per quemlibet qui huic Decreto contravenerit, aut sigillatim, aut seorsim hujusmodi Gratiæ sive Petitioni subscripserit; Nisi hujusmodi causa contigerit, quæ moram non patiatur, et quidam Præpositorum morbo aut ægritudine domi detineantur, quo minùs præsto esse possint, quæ causa per majorem partem dictorum Præpositorum, (quorum Procan. sit unus) cum proximè post hujusmodi subscriptionem convenerint, approbabitur.

Hen. James, Procan.

Jo. Beaumont	Nath. Coga
Humf. Gower	S. Blithe
J. Peachell	Jo. Spencer
Ra. Cudworth	Gul. Saywell.

Renovatum est hoc decretum, Jan. 17°. 1683.

May 26°.

Barnaby Lecturers to be of the Proctors & Scrutators Coll^{s}.

1684. 35. For the preventing all disputes & canvasses for the future, that may arise about the choise of the *Ordinary Lecturers*, it is hereby resolved & decreed by M^{r}. V. Chan. & the Heads of Colleges whose names are here under-written, that the said Lecturers be chosen out of the Colleges in which the Proctors & Scrutators are for that year nominated & first elected into those offices.

Hen. James, Procan.

Jo. Beaumont	S. Blithe
Jo. Spencer	Jo. Balderston
Jo. Peachell	John Copleston
Ra. Cudworth	W^{m}. Saywell.

A. D.

Sept. 19,

1684. 36. It is decreed & resolved by Mr. V. Chan. & the Heads of Colleges, that no Grace for the Degrees of Batchelors of Law or Physick be admitted of for the future, except for such only as have made their residence in some College the greater part of nine several Terms at least; & that such residence be attested under the hand & seal of the Masters of the Colleges concerned, or their deputies, as in the Case of Batchelors of Arts. Batchs of Law & Phys. to keep 9 Terms.

Hen. James, Procan.

Jo. Montagu	S. Blithe.
Ra. Cadworth	Ri. Minshull
Nath. Coga	Jo. Eachard
Tho. Exton	Humf. Gower.
Jo. Spencer	

Ap. 11,

1690. 37. It is agreed by Mr. V. Chan. & the Heads of Colleges, that the Cautions appointed for Degrees May 26, 1684, be for the several Exercises thus specified: Cautions specified. V. Sup.

			£.	s.	d.
That they who commence Doctors in Divinity *per Saltum*, deposite for the Exercises of Dr. of Divin.	1.	Sermon	2	0	0
	1.	Act -	46	0	0
	2.	Opposit.	2	0	0
	1.	Clerum	10	0	0
	1.	Determ.	2	0	0
		Sum	62	0	0

			£.	s.	d.
Batch. of Divinity's Caution for Doctor in Divinity	1.	Sermon	2	0	0
	1.	Act -	36	0	0
	2.	Opposit.	2	0	0
	1.	Clerum	10	0	0
	1.	Determ.	2	0	0
		Sum	52	0	0

A. D.

		£. s. d.
Mr. of Arts in holy Orders for Doctor in Law	2. Acts & the like proportion for one.	49 0 0
	1. Opposit.	1 0 0
		50 0 0
Batch. in Law -	1. Act -	20 0 0
Batch. in Physick -	1. Act -	19 0 0
	1. Oppos.	1 0 0
		20 0 0
Bac. Theol. 20lb.	1. Sermon	2 0 0
	1. Act -	10 0 0
	1. Opp. -	2 0 0
	1. Clerum	6 0 0
		20 0 0

Ja. Johnson, Procan.

Humf. Gower	Rob. Brady
Jo. Covel	Nath. Coga
Ch. Roderick	Will. Saywell
Jo. Eachard	Gab. Quadring.
J. Balderston	

Nota, quod pro quolibet sigillo Com. habet Procan. 4d. Procur. 8d. Scrutat. 8d. Bedell. 12d. Registrar. 4s. et pro scripturâ cujuslibet Indenturæ secundum prolixitatem ejusdem.

Item, Stationarii, sive Appretiatores Academiæ pro appretione Bonorum cujuslibet defuncti, vel aliorum ex mandato Judicis Universitatis habet de consuetudine 2d pro qualibet librâ.

A. D.
Sep^{t}. 23°.

1718. 38. Whereas in a Case now depending between two Doctors of this University, it has been suggested, that the V. Chan. has no authority to summon by Decree or otherwise a Doctor or Master of a College; or to oblidge him to submitt to his Judgment in any Cause under the penalty of Imprisonment, without the consent of a majority of the Heads: Wee whose names are underwritten, Heads of Colleges, do declare, that we know of no such privilege belonging to Doctors, or Heads, in Pleas of Right between Party & Party: &, as we do detest for ourselves any such claim to the obstruction of common Justice, so to cut off all pretence of it in others, we do approve & consent to the V. Chancellor's summoning any Doctor or Head of a College, being party in such a Cause, & to compell him to submitt to his determination, even by imprisonment, if need require.

Doctors subject to the V^{r} Chan.'s Authority.

T. Gooch, V. Can.

John Covel	R. Jenkin
Edw. Lany	Tho. Sherlock
W^{m}. Grigg	C. Ashton
Tho. Richardson	Jo^{n}. Balderston.

1728. 39. It is order'd & decreed by M^{r}. V. Chan. & the Heads of Colleges, upon Interpretation of part of the Statute *De modestiâ et urbanitate morum*, that if any scholar shall at any time resort to any Tavern or other publick house otherwise than the Statutes do allow, he shall forfeit 1^{s}. 8^{d}. If after the statutable time of locking the gates, 3^{s}. 4^{d}. If at a more unseasonable hour, or dis-

Penalties for being at Taverns & Publick-houses.

A. D.

order'd in liquor, he shall, besides the other penalties, be admonish'd by the V, Chan. which Admonition shall be entred in a book kept for that purpose; & after three admonitions be expelled.

That if any number of Scholars, under pretence of being of the same year, School, or County, or otherwise, shall be found assembling together at any publick house, they shall, upon conviction thereof, beside the former penalty of 3s. 4d. be suspended from taking any Degree 'til one whole year after the usuall time of taking the same.

That if any member of the University, of what Degree soever, shall by any pretended power or authority offerr to protect any Scholars from the inspection or correction of the Proctor in any publick house; or if he himself, at the instance of the Proctor, or his repeated admonition, shall not civilly depart, he shall be looked upon as a contemner of discipline, & contumacious, & be proceeded against accordingly.

LITERÆ REGIÆ.

Jul. 23°.

1604. 1. JAMES by the Grace of God King of England, &c. to our Chancellor & V. Chancellor of our University of Camb. in the town of Camb. & to all & singular our Justices of peace, Mayors, Sheriffs, Bailiffs, Constables, Jaylors, & to all others, our ministers & officers within the said University & town of Cambridge, & county aforesaid, Greeting. To prohibit idle games & plays.

For the better maintenance, safety, & quiet of that our said University, & all & every the students there: & to remove, take away, & prevent all occasions that may tend either to the infecting of their bodies or minds, or to the withdrawing or alienating the younger sort from the courses of their studies there intended: We do by these presents authorise, will, & command you our said Chancellor & V. Chan. of our said University, & either of you, & your successours; & the deputy or deputies of you & your successors, that you do from time to time for ever hereafter, by vertue hereof, wholly & altogether restrain, inhibit, & forbid, as well all & all manner of un-

A. D.

profitable & idle games, plays & exercises, to be used or made within our said University & the town there, & within 5 miles compass of & from the said University & town; especially Bull-baitings, Bear-baitings, common plays, publick shews, interludes, comedies, & tragidies in the English tongue, games at Loggetts, & nine-holes, & all other sports & games, whereby throngs, concourse, & multitudes are drawn together; & whereby the younger sort are or may be drawn or provoked to vain expence, loss of time, or corruption of manners: As also all & all manner of persons, that shall goe about to publish, act, or sett out, or make any such unprofitable or idle games, publick plays, or exercises, within the said University or town, or within 5 miles compass of or from our said University or town (any indulgence, privilege, liberty, or authority, by us granted or to be granted to any our officers or servants, or any other person or persons whomsoever to the contrary in any wise notwithstanding). Provided, that it is not our will, pleasure, & meaning hereby to abridge the Students of their accustomed exercises in any kind whatsoever within their severall Colleges. And if any person or persons, under colour, pretence, or vertue of any licence or authority by us or any other whomsoever graunted or to be graunted, or by any other means, colour, or pretence, shall resist or refuse peaceably to obey your commands herein, then our will & pleasure is, & we do hereby authorise you, our said Chancellor & V. Chan. of our said University, & either of you, & your successors, & deputy or deputys of you & either of you & your successors from

A. D.

time to time, to apprehend all & every such offendors, & them to committ to prison, either in the castle of Cambridge, or any other goale within the town of Cambridge, there to remain without bail or mainprise, untill they shall willingly submitt themselves to your said commands; & abide such further order therein as to you in your discretion shall be thought meet. Willing & by these presents commanding all you our said Justices of Peace, Mayors, Sherriffs, Bailiffs, Coustables, & Jaylors, & all other our said Ministers & Officers, that upon intimation & shew of this our will & command herein, you, & every of you, being required thereto, shall be aiding & assisting to our said Chancellor & V. Chan. of our said University & their Successors, & their, or either of their deputy or deputys, from time to time in the due execution of the premises, according to the purport & true intent thereof, as you will answer the contrary at your perill.

Given under our signett, at our palace of Westminster, the 23d day of July, in the 2d year of our reign of England, France, & Ireland, & of Scotland the 37th.

Feb. 26°.

1616. 2. Jacobus Dei Gratia magnæ Britanniæ, Franciæ et Hiberniæ Rex, Fidei defensor, &c. Academiæ Cantab. communi salutem. Si jus civitatis impetret a nobis Cantabrigia, veremini, ne, æmulæ urbis potentiâ crescente, minuatur Academiæ securitas. Sat erat apud nos metûs vestri indicium fecisse. Nec enim tam vobis convenit Academiæ periculum deprecari, quam nobis sponte nostrâ, quicquid in speciem illi noxium sit, aver-

That Cambridge be not made a city.

A. D.

tere. Glorietur urbs illa se a majoribus nostris olim electam doctrinarum sedem, ingeniorum officinam, sapientiæ palæstram: quicquid his titulis addi potest, minus est non: honestatur plebeiâ civitatis appellatione Musarum domicilium: vel sane literatorum dicatur civitas; vel quod in Villæ nomine vile est, incolarum tegatur celebritate. Hæc ejus sint privilegia; Academiæ dignitatem comitèr observare, cujus frequentia facta est seipsâ major; affluentes bonarum artium studiosos amicè accipere, quorum concursu dita-ta est; literarum deniq. honori ancillari, unde hæc illi nata est felicitas. Hæ artes, quibus crevit, tenendæ; non aucupanda titulorum novitas incerti eventus. Facessat popularis vocabuli fastus, unde certa oriatur æmulationis necessitas, quæ eo turpior urbi est futura, quo majori erga Academiam est obstricta reverentiâ. Nolumus sacrum illud Musarum asylum minaci Prætoris ense temerari; nec strepere tetrica edicta, ubi septem-geminus vestri Chori auditur concentus: Satis est in veteri purpurâ invidiæ; nova pompa tam illi futura est supervacua, quam vobis suspecta. In nostrâ solius tutelâ est post Deum Opt. Max. alma scientiarum mater; nostro fovebitur sceptro; indefessa ejus fœcunditas non-abortiet ad Prætorii gladii terriculum; nullum honoris titulum Cantabrigiæ indulgemus, qui cum Academiæ solicitudine conjunctus sit. Valete.

Dat. é palatio nostro Westmonasterii quarto Calendas Martias, A. D. 1616.

A. D.
Dec. 12,
1616. 3. To the right worshipfull Dr. Hills, Master of Cath. Hall, & V. Chancellor of Cambridge.

Good Mr. V. Chan. I have sent you his majesties hand to his own directions: I think you have no president, that ever a King, first with his own mouth, then with his own hand, gave such directions; & therefore you shall do very well to keep that writing curiously, & the directions religiously; & to give his Majesty a good account of them carefully; which I pray God you may; & so with my love to yourself & the rest of the Heads, I commit you to God.

The King's directions to the University.

From Court, this 12 of Dec. 1616.

Your very loving Friend,

JAMES WINTON.

JAMES REX.

His Majesty's directions to the V. Chan. & Heads of Houses in the University of Cambridge, given by himself to Dr. Hills, V. Chan. Dr. Richardson, Mr. of Trin. Coll. to Dr. Carey, Dean of St. Paul's, Dr. Davenant, Mr. of Queen's, Dr. Guynne, Mr. of St. John's, on Dec. 3d. 1616, at Newmarket.

1st. His Majesty signified his pleasure, that he would have all, that take * any Degree in schools to subscribe to the three Articles.

* Only Batch^{s}. of Divin. & all Doctors were to do this by Gr. 1613. Sup.

2dly. That no preacher be allowed to preach in the town, but such as are every way con-

A. D.

formable both by subscription & every other way.

3dly. That all Students do resort to the sermons at S^{t}. Mary's, & be restrained from going to any other Church in the time of S^{t}. Mary's sermons; & that provision be made, that the sermons in S^{t}. Mary's be diligently performed both before noon & after noon.

4^{thly}. That the new séats be removed, & that the Doctors sit in the Church as they were antiently wont to do, & that provision be made for some convenient place for the sons of Noblemen.

5^{thly}. That the ordinary divinity act be constantly kept with three replyers.

6^{thly}. That there be a great restraint for Scholars haunting town houses, especially in the night.

7^{thly}. That all Scholars both at Chapell, & at the schools keep their scholastical habit.

8^{thly}. That young Students in divinity be directed to study sueh books as be most agreeable in doctrine & discipline to the church of England: & excited to bestow their time in the fathers & Councils, Schoolmen, historys & controversies; & not to insist too long upon compendiums & abbreviations, making them the ground of their study in Divinity.

9^{thly}. That no man either in Pulpit or in Schools be sufferr'd to maintain dogmatically any point of doctrine, that is not allowed by the Church of England.

Lastly. That M^{r}. V. Chan. & the two Professours, or two of the Heads of houses, do every Michaelmas, when his Majesty resorts

A. D.

into these parts, wait upon his Majesty, & give his Majesty a just account how these his Majesties instructions are observed.

JAMES REX.

4. Whereas it is held, that the ecclesiastical jurisdiction of our University of Cambridge, & of all the students & members of the Colleges there, belongeth to the Chancellor, & in his absence to the V. Chan. & the subordinate ministers of the University: & that neither the Bishop of Ely, nor any of his Officers, nor any other ordinary hath jurisdiction over the University, or the students & members thereof, as they are Collegiates; except in case of speciall visitations; which privilege of our University we are not willing to have infringed: yet finding it most necessary, that the Laws, Canons, & Constitutions, Rites, & received laudable customs of our Church, should there especially be observed (it being one of the principal seminaries of this state for church & commonwealth); We do require the Chancellor, & in his absence the V. Chan. of our said University, together with the Heads & all others to whom it doth or may appertain, carefully themselves to observe, & to see that others do observe the ensuing articles: & to be able from time to time to give us a good account of the performance thereof, upon peril of our high displeasure, & of such penalty, as the law in that case may justly inflict.

Injunctions about matters of Religion.

First, we do command, that all the ecclesiastical Laws, Canons, & constitutions of this our Church of England, so far forth as they concern divine service, be duly observed in all & every

A. D.

the Colleges, without immutation, upon any pretence of local statutes whatsoever.

Item, that all things heretofore given by us hither in charge be duly observed & performed, & that they be ready to give us such account thereof in due time, as heretofore we have directed.

Item, whereas it is & hath been the antient custom of that our University, to forbear the accustomed University sermons on Christmas day, Easter day, & Whit Sunday on the forenoon, in regard, that in the several Colleges there are, or ought to be had, common prayers, a Sermon, & a holy Communion administred, to which the Master, Fellows, & Scholars, should resort in their several Colleges: We do require, that our said Chancellour, & in his absence the V. Chan. & others to whom the Ecclesiasticall Jurisdiction of the University is pretended to belong, & every Master in his private College do so provide, that on the said three festivalls there be had the divine service, as it is by the book of common prayers appointed for the said several feast daies: & that a Sermon & Communion be had on the said several daies; & that all the members & students of the severall Colleges repair to the Chapells of the said Colleges, there to participate in the divine service, & to communicate in the holy Sacrament: from which divine service & Communion no member or student of any such College shall be permitted to absent himself, unless upon some just & necessary occasion thought fit to be allowed of by the Master & Deans of the College for the time being.

Item, that all communicants do take the Communion kneeling, according to the form pre-

A. D.

scribed in the book of common prayer, & the Canons of this our Church of England, & not otherwise: And that the laudable custom of coming to Chappel in Surplices & Hoods, according to their Degree, upon the accustom'd days, be observed by all the Masters, Fellows, Scholars, & Students of all Colleges; & that they so continue in their Surplices & Hoods at all times during the time of common prayer & sermon, & administration of the sacrament.

Item, we do command, that no sermons or lectures be had in any parish Church of the town, except in case of a funeral, or the like necessary & extraordinary occasions, on Sundays & holidays, but betwixt the hours of nine & eleven in the forenoon, & one & three in the afternoon; that there may be no interruption of the divine service in the parish Churches betwixt the hours of 3 & 4; nor pretence for scholars absenting themselves from catechising in their Colleges, to be had, betwixt the hours of 3 & 4; nor from their common prayers, which are to be betwixt the hours of 4 & 5 on Sundays & holydays.

Item, we do require & command, that the commendable use of chatechising in Colleges betwixt the hours of three & four on Sundays & holydays be carefully & duly observed: to which, we require due care to be had, that those of the College, especially under the Degree of Masters of Arts, be compelled to resort.

Item, we do command, that no new-erected lectures, or sermons, be permitted in any parish Church of the town, that may withdraw scholars from the catechising & divine service in their

A. D.

Colleges on Sundays & holidays, or on the week days, being no holidays, to withdraw Scholars from their attendance at the exercises of learning, lectures, disputations, determinations, or declamations, either publick or private: And for that the jurisdiction of the town & parish Churches is pretended to belong to the Bishop of Ely, & his officers; we do require of him & them, that they be in all things carefull on their part to observe the directions, so far forth as concerneth them; & also be aiding & assisting to the Chancellour, V. Chan. & officers of our University for the better observation of these our commandments in the parish Churches: And that no Fellow, Student, or member of any College, of what Degree or condition soever, not having cure in the same Church, be permitted to read any ordinary lecture or preach any ordinary sermons on set days in any parish Church in the town, except in St. Maries, unless he be legally authorized thereunto. Wherein we think it fit, that as the party is a Collegiate, he should obtain allowance from the Chancellor or V. Chan. & as he is to preach in a parish Church of the Bishop of Ely's jurisdiction, he may not do it but by the Bp.'s licence.

Item, we do forbid that women of the town be permitted to repair to the Chappel of any College, to common-places, or other exercises of divinity, unless it be in case of an English sermon ad populum, for which the bell of such College is rung, or to the ordinary prayers in King's College Chappel.

Item, we do require & command that upon the discovery to the Chancellour or V. Chan. for

A. D.

the time being, of any contempt & breach of order by law & laudable custom required; or of any fancifull conceipt, savouring of Judaism, Popish superstition, or Puritanism, disagreeing from the laws & approved customes of our Church of England; that the same be in due time speedily & carefully checked, & reformed; that it be not suffer'd to take root & grow up to the distraction of our subjects, or violating the unity of our Church. And we do impose the same charge in the like occasion or occasions, upon every Head & Master of a College in our said University. And we do impose the same commandment of these our directions concerning Colleges, that have special visitors appointed them, in whom the ecclesiasticall jurisdiction is upon the said Visitors, whosoever they be, which we have before imposed upon the Chancellour & V. Chan. of our said University for the time being.

Lastly, we do command that a copy of these our directions be deliver'd to the Master of every College, requiring that he deliver the same or a copy thereof to the special Visitor of his said College, where any such are appointed, other than the Chancellour or V. Chan. aforesaid; that he may see these our ordinances & commands duly observed. And howsoever we deliver this admonition in general terms, our will is not that the same be understood as an aspersion upon the whole University of inconformity, but rather as an encouragement to those Colleges & governours, that, according to duty, keep order; & as an injunction for speedy reformation in such as are culpable.

A. D.

Qui monet, ut facias, quod jam facis, ipse monendo
Laudat, et hortatu comprobat acta suo.

Mar. 4to. 1629. 5. CHARLES REX.

His Majesty's Injunctions, orders, & directions, to the V. Chan. & Heads of houses in the University of Cambridge, to be duly published for the better government of the same University. Given at the Court of Newmarket this fourth day of March, An. Dni 1629.

First, that all those directions & orders of our father of blessed memory, which at any time were sent to our said University, be duly observed, & put in execution.

Secondly, that whereas we have been informed, that of late years many Students of that our University, not regarding their own Birth, Degree, & Quality, have made divers contracts of Marriage with women of mean estate, & of no good fame in that town, to their great disparagement, the discontent of their parents & friends, & to the dishonour of the government of our University: We will & command you, that at all times hereafter, if any taverner, victualler, or Inholder, or any other inhabitant of that town, or within the jurisdiction of that University, shall keep any daughter or other woman in his house, to whom there shall resort any scholars of that University of what condition soever, to mispend their time, or otherwise to misbehave themselves, or to engage themselves in marriage without the consent of those that have the Guardiance &

A. D.

tuition of them; that upon notice thereof, you do presently convent the said Scholars, & the said woman or women, thus suspected, before you; & upon due examination if that you find cause therefore, that you command the said woman or women (according to the form of your Charter against women *de malo suspectas*) to remove out of the said University, & four miles of the same: And, if any refuse presently to obey your commands, & to be order'd by you herein, that then you bind them over with suretys to appear before the Lords of our Privy Council, to answer their contempt, & such matters as shall be objected against them, & if any refuse to enter such bonds, that you imprison them, 'til they shall either remove, or put in such bonds with suretys.

Thirdly, that you be carefull that all the Statutes of our University be duly executed, especially those *de vestitu Scholarium, et de modestia et morum urbanitate.* And whereas we are informed, that Batchelors of Law, Physick, & Masters of Arts, & others of higher Degree, pretend, that they are not subject to your censure, if they resort to such houses as are mentioned in the said Statute, to eat, drink, or play, or take tobacco, to the mispending their time, & to the corrupting of others by their ill examples, & to the scandalizing of the government of our said University: Our will & pleasure is, by these presents, that you do also command them, & every of them, that they forbear from coming to any such houses, otherwise, or at other times, than by the said statute they of inferiour order & degree are allowed to doe, any statute or con-

A. D.

cession to the contrary whatsoever notwithstanding: &, if any refuse to obey you herein, that you proceed against them as contumaces; &, if there be cause, that you also signify their names to us, or to the Lords of our Privy Council.

Fourthly, that you do severely punish all such of your Body, of what degree or condition soever, as shall contemn their superiours or misbehave themselves either in word or deed toward the V. Chan. or the Proctors, or any other officers of our University, especially in the executing their office.

Lastly, we will & command, that a copy of these our directions be deliver'd to the Master of every College; & that he cause the same to be published to those of his College, & then to be register'd in the Registers of their Colleges, & duly observed & kept by all persons, whom they may concern.

Feb. 6°. CHARLES REX.

1660. 6. Instructions for the Vice-Chancellour & Heads of our University of Cambridge.

First, that all the directions & orders of our father & grandfather of blessed memory, which at any time were sent to our University of Cambridge, be duly observed & put in execution, especially such as concern obedience & due respect to be given by all persons of that body to their superiors & governours, the officers of that our University: Also such as concern the restraint of such as hold lectures, or preach in any parish Church in the town of Cambridge, with-

A. D.

out that due order therein, that is appointed by the aforesaid directions.

Furthermore, that there be a review made of all licences for University preachers, which have been granted in these disorderly times, since the beginning of the year 1645. And that all such licences be called in by the V. Chan. & the persons so licensed put again to be approved by the vote of the present University, assembled in congregation; or if rejected, then others to be chosen in their places.

Given at our Court at Whitehall, the 6th day of Feb. in the 18th year of our Reign, An. Dni 1660.

By his Majesty's command,

EDWARD NICOLAS.

Aug. 3°. CHARLES REX.

1661. 7. Whereas the Masters, Fellows, & Scholars of S^t. Mary Magdalen College, Emanuel Coll. & Sidney Sussex Coll. in our University of Cambridge, have made it their humble suit unto us, that of our princely Grace, & by our Royall Authority, their several Colleges might be admitted to have equall privileges with the rest of the Colleges in that our University, for the nominating & presenting Proctors, Taxors, & Scrutators successively, unto which at the making of the Statute for the nomination of the said officers, they could not be admitted, two of the said Colleges being not then founded, & the other at that time in a very low condition, from which it hath been since recovered; in consideration of

That Coll. Magd. Eman. & Sid. be taken into the new Cycle for Proctors, Taxors, & Scrutators.

A. D.

which, & out of our readiness to contribute our endeavour, as well for the encouragement of Learning, as the greater tranquillity of our said University, we have thought fit to gratifie this their request, & do hereby signify our Royall will & pleasure, that the said three Colleges of S^{t}. Mary Magdalen, Emanuel, & Sidney, have from henceforth equal privileges with the rest of the Colleges in that our University, of nominating & presenting Proctors, Taxors, & Scrutators successively, according to such proportion & order as shall be judged by the V. Chan. & major part of the Heads of the University, who shall also apportion the burdens & duties, which they with the rest of the Colleges shall bear & perform. And that in the interim, for the better preserving the Peace of the University, the late *Circle, by which these three with the other Colleges have had their courses, shall remain & be observed: any thing contained in the Statutes of our said University notwithstanding; Whereof the V. Chan. & the Heads of houses of our said University now & for the time being, & all others whom it may concern are to take notice, & govern themselves accordingly.

*Confirmed by the Committee for Reformation of the University, 1650.

Given at our Court of Whitehall, Aug. 3^{d}. in the 13th year of our reign 1661.

By his Majesty's command,

Edward Nicolas.

A. D.

Feb. 19°. CAROLUS REX.

1666. 8. Carolus secundus Dei gratia Angliæ, Scotiæ, Franciæ, et Hiberniæ Rex, Fidei defensor, &c. dilectis nostris subditis Cancellario & Scholaribus inclyptæ nostræ Universitatis Cantab. tam præsentibus quam futuris, aliisq. omnibus, ad quos præsentes literæ pervenerint, salutem & gratiam nostram regiam. To deferr the Profession of Batch. of Arts.

Cum ex majorum instituto solennis & annua esse debeat in istâ nostrâ Universitate Baccalaureorum professio die Mercurii, primum Dominicum Quadragessimæ præcedenti, quo die certè vertentis jam anni Quæstionistæ (nisi cum extremo discrimine) produci non possunt; Nos (ut humanos casus excipiamus, et bonæ spei alumnos in tempore consulamus) legem in hac parte nimis definitam interpretatione nostra censemus amplificandam, sicut et per præsentes eam amplificamus, et amplificatam porro volumus ad hunc modum: Quod si vel nunc temporis vel etiam olim, qui respondere Quæstioni teneantur, per grassantem in oppido contagionem ad diem Cinerum adesse nequeunt, suum nihilominus ordinem quisq. sine ulla vel dignitatis vel anni jactura retinebunt; Nam licere decernimus Academiæ Cancellario, Procancellariove, quotannis si videtur, aut saltem quoties Cantabrigiæ pestis imminebit, statam illam Baccalaureorum professionem differre, et inaugurationem in aliam atq. aliam diem pro arbitrio suo prorogare.

Dabantur in Palatio nostro Westmonasterii, die Feb. 19°. An. Dñi 1666, Regni vero nostri 18°.

Ad Mandatum Smi. Dñi Regis.

ARLINGTON.

A. D.

Jan. 3°. CHARLES REX.

About Oppo-nencies in Di-vinity.

1667. 9. Whereas by the Statutes of our University of Camb. & injunctions given both by our father & grandfather of blessed memory, & confirmed by ourself, the ordinary Divinity Act or Disputation is to be performed by three opponents, & an account thereof is to be returned to our self: & whereas we are given to understand, that notwithstanding the said statutes in that behalf made, many of late years not tendring either the honour of that our University, or their own repute, have so far neglected their duty therein, as that there is seldom above one opponent or two, often not any; or but one of those appointed in course; but such only as the respondent can procure: We therefore, out of our princely care to preserve that good esteem, which that our University hath formerly had both at home & abroad; & the better to promote the study of Divinity by the due performance of exercises therein, have thought fit to make & establish this following order to be observed by all whom it may concern, as a statute of our said University, that is to say, that every person appointed in Course to oppose at the ordinary Divinity Act, not performing his duty therein, shall be punished 10ˢ, and moreover shall stand oblidged under the same penalty to oppose at the next Divinity Act, & so from time to time; untill such time as he shall either perform the duty in his own person, or procure some other in his stead, upon just cause to be approved by the V. Chan. of our said University for the time being, our Professor in Divinity, & the Master of the College of which such opponent is.

A. D.

And our further will & pleasure is, that this our order be published at a Congregation of our said University, & enter'd among the Statutes of the same.

Given at our Court of Whitehall this 3d of Jan. 1667, in the 19th year of our Reign.

By his Majesty's command I send you this to be published to the University.

MANCHESTER.

Lect. & Public. per Drem Howorth in plena Congregat. Reg. & non-Reg. Jan. 17°.

Jul. 15°. CHARLES REX.

1668. 10. Right trusty & wellbeloved Cousin & Counsellor, & trusty & wellbeloved, we greet you well: Whereas upon our late happy Restauration to our just rights, there were persons of eminency as well for their Learning & standing in our University of Cambridge, as their sufferings for us & with us in the common calamitys of the time, We thought fit, as a speciall mark of our Royall favour, to conferr Degrees upon them, without oblidging them to those exercises, which the Statutes of our said University require: But since those worthy persons have had the benefit of our princely favour, we have thought fit to declare it our will & pleasure, that all persons who at any time hereafter shall come to you with our letters mandatory for a Degree in any science or faculty, shall before their admission thereunto personally subscribe in the common form &

Mandate Degrees not exempt from exercise & fees.

A. D.

words, & pay such customary fees & dutys, as other candidates for their respective Degrees usually do, & also perform such acts & exercises as by the statutes of that our University are enjoined, or else put in real & sufficient caution for performance of the same in such time as you shall judge convenient, or their occasions (if any of them shall be employed in our service) may well permitt: And for the requiring of such subscriptions, payments, & performances as aforesaid, these our letters shall be your sufficient warrant: Any command, authority, or dispensation hereafter granted to the contrary notwithstanding.

Given at our Court of Whitehall the 15 day of July, 1668, in the twentieth year of our Reign.

By his Majesty's command,

WILL. MORICE.

Dec. 15, 1669. CHARLES REX.

Against disorders in the Regent House.

11. Whereas we are informed that there have been disorders & misdemeanors of late in the Regent House in our University of Cambridge, by some of the Body contesting with the V. Chan. & Heads of Colleges, wherewith we declare ourselves to be displeased: for the better prevention of the like disorders for the time to come, & for the preservation of decency, quietness, & gravity in the transactions of the Senate house of our said University: Our will & pleasure is that all antient statutes, decrees, & laudable customs, touching & concerning the Regent's & non-Regent's quiet & peaceable keeping their seats,

A. D.

& giving their suffrages & votes without running from side to side, or from one Classe to another, to bespeake any other for their voice or vote, be duly observed, under peril of our displeasure: And particularly, that if any hereafter shall offerr or give any affront to the V. Chan. in the Regent House, by bold & irreverent language, by open cavilling or contesting, or by abetting any other in any such contest, or making any other address than by reverend & respectfull application to him; & if any shall offerr to continue doing any publick act, as reading suffrages or numbring votes, after the V. Chan. hath dismissed the congregation or convocation: & if any the Proctors or Scrutators in any case shall refuse to perform their duty, in any part thereof, according to the Statutes, & laudable customs of the said House, against the admonition of the V. Chan. & if any shall goe about from Coll. to Coll. or elsewhere, by gathering hands & subscriptions to make partys & factions to the disturbance of the government of the said University: & if any shall be found so offending in any of the premises, he shall forthwith for such his offence be suspended by the V. Chan. ab officio, & omni Gradu suscepto & suscipiendo; & so stand suspended 'til upon his submission & satisfaction given, by consent of the V. Chan. & major part of the Heads of Colleges he be absolved: And we further require, that all of inferiour Degrees, both in the Senate house & elsewhere, shall shew all due respect & reverence to all of superiour Degree whatever. Our further will & pleasure is, that these our orders & injunctions be read by the V. Chan. or by the Senr Proctor at the

A. D.

V. Chan'ᵉ. command, openly in the Senate house; & after be added to the rest of our royall injunctions & orders sent to that our University of Cambridge, & entred into your publick books of Records.

Given at our Court at Whitehall this 15 day of Decemᵇ. 1669, in the 21ˢᵗ year of our reign.

About preaching, & Perukes. Oct. 8°.

1674. 12. Mʳ. V. Chancellour & Gentlemen,

His Majesty having taken notice of the liberty which several persons in holy orders have taken, to wear their hair & perukes of an unusual & unbecoming length, hath commanded me to let you know, that he is much displeased therewith, & strictly enjoins, that all such persons as profess or intend the study of Divinity, do for the future wear their hair in a manner more suitable to the gravity & sobriety of their profession, & that distinction which was always maintained between the habits of men devoted to the ministry & other persons.

And whereas his Majesty is informed, that the practice of reading sermons is generally taken up by the preachers before the University, & therefore sometimes continued even before himself: His Majesty hath commanded me to signify to you his pleasure, that the said practice, which took beginning with the disorders of the late times, be wholly laid aside, & that the aforesaid preachers deliver their sermons, both in Latin & English, by memory or without book; as being a way of preaching, which his Majesty

A. D.

judgeth most agreeable to the use of all foreign Churches, to the custom of the University heretofore, & the nature & intendment of that holy exercise. And that his Majesty's commands in the premises may be duly regarded & observed, his farther Pleasure is, that the names of all such ecclesiastick persons, as shall wear their hair (as heretofore) in an unfitting imitation of the fashions of laymen; or that shall continue the present supine & sloathfull way of preaching, be from time to time signified unto me by the V. Chan. for the time being, upon pain of his Majesty's displeasure.

Having in obedience to his Majesty's will, signified thus much unto you, I shall not doubt of your ready compliance; & the rather because his Majesty intends to send the same Injunctions very speedily to the University of Oxford, whom I am assured you will equall, as in all other excellencies, so in obedience to the King, especially when his commands tend so much to the honour & esteem of that renowned University, whose wellfare is so heartily desired, & shall alway be endeavour'd by,

M^r. V. Chancellor & Gentlemen,

Your loving Friend & Chancellor,

MONMOUTH.

Newmarket,
Oct. 8, 1674.

To my much esteem'd friends
the V. Chan. & Senate of
the Univers. of Camb.

Lect. & Pub. in plenâ Cong. Reg.
& non-Reg. 13 Oct. 1674.

A. D.

1675. 13. Quæres to which the V. Chan. & Heads of the University of Camb. are desired to answer.

1. Whether my last letter of delivering sermons by memory, & defect wearing of hair had its due effect or not.

2. Whether the Masters of the severall Colleges duly perform their several duties & exercises incumbent upon them by the Statutes of their respective Colleges.

3. What antient & laudable customs are there, which by the disorders of the late times are now wholly disused & laid aside.

4. What Exercises are required of the Fellows of the several Colleges in any Faculty, & under what penaltys do the Statutes of the said Colleges enjoin the performance of them, & whether they are performed or not.

5. Whether the Statutes of the several Colleges appoint any exercises to the Fellow-Commoners; & what they are; & under what penaltys to be performed.

6. Whether the Statute which appoints the gates of the several Colleges to be shut at 8 of the Clock in the winter, & 9 in the summer, & the keys to be brought to the Master, be duly observed or not; & if not, what is the cause thereof.

7. Whether the privileges of the University are by any person or persons, about the town, infringed, & violated; & especially whether the privilege of being sued only in the V. Chancellor's Court be invaded; & any privileged Persons be molested by Writs from any other

A. D.

Courts; & if so, what do they conceive the most proper way to redress so great an inconveniency.

8. Whether the Statute, which forbids any person to come to the taverns, unless to meet some friends out of the country, be duly observed or not.

9. Whether the Candidates for any Degree do daly perform the exercises appointed by the Statutes before their admission thereto.

10. Whether the statute, which enjoyns all persons under the years of 40 diligently to frequent divine service morning & evening, be duly observed; & the penalty of 2^{d} for every default be duly inflicted on those who break the said statute.

11. Whether the Doctors & Masters in the several Facultys do resort to the Congregations & general meetings of the Uuiversity in the Regent house, in the habits & ornaments appointed by the Statute.

12. Whether the Coffee-houses be much frequented or not; by what sort & degree of men; & at what hour.

13. What persons have admittance into the publick Library; & upon what caution.

Answers to the Quæres proposed in his Majesty's name to the Heads of the University; agreed on in a meeting of the Heads & Presidents Aug. 9, 1675.

1. That his Grace's letter, of delivering sermons by memory, & the decent wearing of hair, hath had very good effect with many; & that it

A. D.

may have its due effect with all, it shall be our care to our power in our several places.

2. For the Masters of Coll^{s}. duly performing their exercises incumbent on them by the Statutes of their respective Coll^{s}. we hear not of any complaint, & hope there is no just cause for any.

3. The laudable customs laid aside in the late times are generally restored; those of greater note, that are stil too much desired, are these. 1. The comely solemnity of Master's, Batch. & Sophister's attendance upon Disses from the Coll. to the Schools, & back again. 2. The antient custom of Inceptors coming out of the country to visit after the later Act. 3. The number of the Batchelours, who should sit in Lent is far short of what it hath used to be.

4. 1. The exercises required of Fellows of Coll^{s}. are chiefly Disputations or Problems, & common-places. 2. The penalty for failing of Problems is generally, for the Respondent 6^{s}. 8^{d}. for the Opponent 3^{s}. 4^{d}. in others 6^{s}. 8^{d}. 3. The performance is in some Coll^{s}. constant; in others not so constant, in some few much neglected, by reason of the slenderness of the penalty. 4. But the punishment, whatsoever it be, is generally inflicted on the offenders.

5. The Statutes of some Coll^{s}. require no exercises of Fellow-Commoners; of others the same with ordinary under-graduate Pensioners; of most the same with Fellows, & under the same penaltys repectively.

6. The Statutes of shutting the College gates at the sett times, & bringing up the keys to the Master's lodgings, are generally well observed;

A. D.

only some use the more benign interpretation, & call it 8 'til 9 in winter, & 9 'til 10 in summer: And too often some of the Coll. are not then come in, so that the Masters are fain to permitt the opening of them again, rather than that they should be abroad in the town.

7. Many Scholars, Scholars servants, & privileged persons have of late, by the advice of Attorneys, (as 'tis said) who live in Camb. been arrested & sued by writs procured out of his Majesty's Courts at Westminster upon Actions of Debts, injuries, & other causes cognizable in the V. Chan^{r}. or Commissary's Courts only, manifestly to the breach & infringing of the Charters & privileges of the University, granted by several of his Majesty's predecessors, & confirmed by Act of Parliament 13°. Eliz. The main cause of which violence offered us, we take to be, the great trouble & charge of producing & pleading our Charters in Westminster hall, much above what either the University or any mean persons are able to bear. The evill is so great, that we can att present but humbly pray a remedy.

8. The Statute for Scholars of whatsoever Profession or Degree not going to taverns (saving in some cases allowed by the same Statute) is too frequently transgressed: Notwithstanding the endeavours of the V. Chan. & other Officers of the University.

9. None are admitted to any Degree without performing statutable exercises, or putting in cautions for the performance of them, which yet are not seldom forfeited.

A. D.

10. The celebrating of divine service is duly performed; but the religious frequenting of it is not so in many Coll^{s}. by many under the years of 40, (as 'tis generally said) nor is it usual (at least in most Coll^{s}.) to punish any Absents save Batchelors & Undergraduates.

11. The Doctors in the several Faculties do generally resort to Congregations in the Regent house, & to sermons Ad Clerum, & supplications in St. Mary's, in the habits & ornaments appointed by Statute; & so do the University officers, as Proctors, Taxors, & Scrutators; & those of the head, & some few others in theirs: but the Non-Regents & Regents are much failing herein; especially the Regents in their Habits at Congregations, & in their caps & hoods at English sermons, & abroad in the town.

12. The Coffea houses are daily frequented, & in great numbers of all sorts (the Heads of houses & other Doctors excepted) at all hours, especially morning & evening.

13. No University members under the Degree of Masters of Arts have admittance to the use of the publick Library, & those upon no other caution but their Matriculation oath, taken at their admission into the University. If any strangers be permitted the use of the Library, it is by licence given them from the V. Chancellor.

A. D.

Oct. 30°. CHARLES R.

1679. 14. Trusty & wellbeloved, we greet you well: whereas we have been given to understand, that several disputes have heretofore arisen in that our University about conferring honorary Degrees without time or exercise upon Baronetts & Knights, who were members of our said University: We have thought fit in order to the settling of that matter for the time to come, hereby to signify to you, that we are graciously pleased to allow such Baronetts & Knights, who shall be members of our University, from time to time, to take their Degrees of M^r^. of Arts in this honorary way, without time or exercise, (if there shall be no just exceptions to the particular persons) & our intention is, that this shall not extend to any others but such only as are qualified by the statute in that case provided. And that you are to cause these our letters to be register'd upon your Register, as our pleasure in this particular. And for so doing this shall be your warrant. And so we bid you farewell.

Knights & Baronetts to be accounted Nobiles.

Given at our Court at Whitehall the 30th day of Octo^b^. 1679, in the 31 year of our reign.

By his Majesty's command,

SUNDERLAND.

To our trusty & wellbeloved the V. Chan. of our Univers^t^. of Camb. to be communicated to the Senate there.

From Tabor, f. 680.

A. D.

Oct. 30°. CHARLES R.

To dispense with the Margaret Preachers sermons.

1679. 15. Trusty & wellbeloved, we greet you well: Whereas the Lady Margaret, late Countess of Richmond & Derby, in her foundation of a Preacher in that our University, did oblidge him to preach at 12 or 13 several towns in several counties, & accordingly did allow him, what was in those days a competent salary, & sufficient for the discharging of his expences in his journey: We, understanding that the salary of the said Preacher is now very small & inconsiderable, & therefore being disposed to free him from the said expensive duties, have thought fit, & accordingly do hereby dispense with all those that shall be her Preachers for the future, for their not preaching at the places aforesaid; Provided, that they do all other exercises in the University, unto which by the said foundation or custom they are oblidged. And our Pleasure also is, that you alter the Oath, which the said Preachers at their entrance were to take, according to these premises. And that you cause these our royal letters of Dispensation to be register'd in the University Register, as the Rule to be observed for the future as to the foundation aforesaid. And for so doing this shall be your warrant. And so we bid you farewell.

Given at our Court at Whitehall the 30th day of Octob. 1679, in the 31 year of our reign.

By his Majesty's command,

SUNDERLAND.

To our trusty & wellbeloved the V. Chan. of the Universt. of Camb. to be communicated to the Senate there.

From Tabor, f. 681.

A. D.

CHARLES R.

Ap. 8°.

1681. 16. Trusty & wellbeloved, we greet you well: Whereas our trusty & wellbeloved Rob. Brady, D^r. in Physick, & our Reader or Professor of the same in our University of Cambridge, hath, by his humble petition, besought us to establish & appoint, that the exercises of Candidates & Probationers for the Degree of Batch. in Physick may be according to that for the same degree in Law (save that they still stand bound to one opposition as formerly.) And whereas you the V. Chan. of that our University, with very many of the Heads of Colleges there, have certified, that you do not know any inconvenience or disadvantage it can be to the University or Faculty of Physick, if the exercise of Candidates & Probationers for the Degree of Batch. in that Faculty should be reduced to, & established in the same state & condition, that the Exercise of Candidates for the same in Law are at this present, by direction of the University Statutes; especially if the said Candidates in Physick do still stand bound to one opposition as formerly. Also the most Reverend Father in God our right trusty & entirely beloved Counsellor, William Lord Archbishop of Canterbury, having given his approbation of the said petition, conceiving it very reasonable & worthy of our favour; we have therefore thought fit to order, establish, & appoint, that the exercise of Candidates for the Degree of Batch. of Physick be hereafter according to that for the same Degree in Law, (save as before excepted, that they still stand bound to one opposition as formerly) any statute or cus-

Batch^s. of Physick excused one of their Acts.

A. D.

tom of that our University to the contrary notwithstanding, with which we are graciously pleased to dispense in that behalf. And our further pleasure is, that these our letters be enter'd in the Register of that our University, to stand there as a Rule for the future in the case abovementioned; & so we bid you farewell.

Given at our Court at Whitehall the 8th day of April 1681, in the 33d year of our reign.

By his Majesty's command,

L. Jenkins.

To our trusty & wellbeloved the V. Chan. & Senate of our University of Camb.

Mar 9°. CHARLES R.

Penalty for not performing Batch. of Arts exercise.

1683. 17. Trusty & wellbeloved, we greet you well. Whereas it hath been humbly represented unto us by you our V. Chancellor, with the consent & approbation of the Heads of Colleges, & the Proctors of that our University, that the provision already made by statute for the due performance of Exercises required in order to the Degree of Mr. of Arts in our said University, hath not proved so effectual as was to be desired: We have thought fit as a further testimony of our princely care for the advancement of good Learning, to make & establish this following order to be observed by all whom it may concern, as a statute for the future: that is to say, that every seniour or middle Batch. of Arts, appointed to respond or declaim in the Batchelor's

A. D.

Schools, by the combination to be made for that purpose, & signed by the V. Chan. & Senior Proctor for the time being, not performing his duty in the Course allotted him therein, shall be punished 20s. & moreover stand oblidged under the same penaltys to perform the same on the next usuall day for such exercise, & so from time to time, 'til he shall have actually performed it, or else be excused upon just & necessary cause, to be allowed & approved of by the V. Chan. & the Senr. Proctor for the time being, & the Mr. of the College to which such person doth belong: which method of proceeding we will have also to take place, & be duly observed, as to the exercise of opposing in those Schools, saving, that the punishment for the neglect thereof shall be but 10s. to be repeated as we have above directed. And so we bid you farewell.

Given at our Court at Newmarket the 19th day of March 1684, in the 36 year of our reign.

By his Majesty's command,

SUNDERLAND.

To our trusty & wellbeloved the V. Chan. of our University of Camb. to be communicated to the Senate there.

DISSERTATION

ON THE

PRECEDING PRIVILEGES, &c.

MUCH the greater part of the preceding Work being in Latin, it was natural to give the Preliminary Dissertation in the same dress, particularly, when some things could appear best in that form; still a portion of it being in English, a few observations in our vernacular language also cannot be improper, and, as being likely to be preferred by most readers, become almost necessary. Even scholars, for whose use this volume is principally intended, choose to arrive at an author's meaning by the readiest way.

Indeed, agreeably to what was announced in the *Paper of Proposals*, the Preliminary Dissertation was at first intended to be in our own language, and the present was written as a preliminary one. The Latin Address was an after-thought; and of this mention should be made, to account for the manner in which both are executed. Two or three ideas, which have already occurred in the Latin Address, will occur

again in the ensuing Dissertation: it was deemed expedient to give them in English for the sake of the English reader: these, however, are but few: and notice will be taken of them, whenever they return.

This being premised, let us proceed to the matter in hand. It is proposed, then, in the following pages to state first the nature of the present work, and to make a few remarks on it; 2dly, to give a short account of its compilers; and 3dly, to shew its use and application.

First, as to the work itself, this, as the title indicates, professes to be an Index or Table of all the Charters, and other Documents of the Privileges of the University of Cambridge; reaching from ancient to more modern times, and arranged in the most regular and chronological order, according to the Christian era, and our English kings; in its range liberal and extensive, though in its display not ample and wide; to satisfy curiosity, if even to excite it, not various enough, nor abundant; but of sufficient authority to substantiate History, and to authenticate facts, which may be liable to be doubted.

These royal and public documents are accompanied with others of a more private character, but all relating to the same body. These also are placed in the same chronological order; and having in view, in like manner, the privileges and liberties of the University, may be considered not less as documents of history, than as statements of the œconomy of the place. Considered all together, they are naturally connected, the latter deriving all their authority from the former, and deserving as distinct an enumeration, if not as minute a detail of particulars.

By Charters are to be understood Instruments written on paper (whence the name) signed or sealed by the granters, and conveying lands and other revenues, privileges, and immunities, or confirming grants already made. They are now more generally applied to the grants of kings and princes; but the term is also used more indiscriminately; for there are

Episcopal and more private, as well as Royal, Charters: of similar import are Bulls, except that the latter more commonly relate to Popes, though this word also is of general import. These Royal Charters now have the King's Seal annexed to them, impressed upon wax.*

From this brief account it will appear, that our *Privileges* will serve as Fasti, or a short Summary of the Annals of the University, being, indeed, more chronologically distinct, and according to its object, more systematically precise, than any historiette in MS. or any printed history. This has been stated in the Address. It may, however, be added here, that it is rather the Fasti of Things than of Persons, as Mr. Wood's of Oxford is rather of Persons than Things. Wood's, of course, better serves the purpose of Biography, this of History; and accordingly, in the History of the University and Colleges of Cambridge, such particulars have been taken into its biography, as the Oxford Historian throws into his Fasti, and such things as are found here, will come with better authority in their present form.

Subjoined to the Index of all the Charters and other public Instruments is a series of some particular Charters at full length, such no doubt being selected by Dr. Parris, which he deemed the most significant and important.

With respect to the range of our public Instruments, it is hoped it goes high enough: indeed, it goes higher than it

* Ingulphus (Hist. Croyland. inter Rer. Angl. Scriptores, per Gale) says Charters with seals impressed and appended were first introduced here by the Normans: Normanni condemnantes Chirographa Chartas vocabant. But Charters existed some time before, as appears from the early part of his own History. And Dr. Hickes (Dissertatio Epistolaris, p. 5) gives an example of an instrument with a seal annexed, of Edward the Confessor: Normanico ritu Sigillo adpendente munita. Dissert. Epist. p. 64. Edward, therefore, must have introduced this practice at least into Letters before: and to make Ingulphus consistent with himself (for being a Norman, and coming here with William, he must have known when the practice became a custom) we must suppose that the Sigillum or Seal became the regular royal signature from the time of William.—Popes' Seals were *Bullæ Plumbeæ*; whence their name.

will ever be required for any sober use; and low enough for any purpose of elucidation or appeal; the first supposed charter bears the date of April 7, 531, the last of 1683,—so that our chronology embraces a period of no less than 1152 years.

One, who acts, as in the present case, only as Editor, must keep to its duties. Indeed, from the very nature of the work, no liberties could have been taken with the originals, either by arranging, or twisting the materials to any private meaning. Some exceptions, however, must be made in behalf of certain things added: for though these matters come within the limits of our dates, and run counter to no Title in our Index, giving only in detail and full length, what appears in our Table in a way only of reference, still they are additions, and a distinct account of them, with some incidental remarks, must be laid before the reader.

The Order then of Edward III. relating to the four Orders of Mendicants, is in Hare's Collection at full length, and so appears in Ayliffe's History of *Oxford, copied most probably from Mr. Hare's Collection of Oxford Charters. In the present volume it is given at full length for the following reasons; 1st, rather for its curiosity, it being written in the Norman French; 2dly, for its relation both to Oxford and Cambridge; 3dly, and principally, for its testimony to the Liberties of our University, proving, as it does, that the English government possessed authorities, when rightly understood and constitutionally exerted, independent of the court and church of Rome.

From that Order, certain conclusions may be drawn, with respect to the papal authority over our Universities in ancient times,—that it was exercised by assumption, and submitted to by sufferance; that it sunk in the scale, in pro-

* Appendix, Vol. II. p. 22. An account of the dispute, though without the Order, is in Wood's Antiq. Oxon. p. 182, corresponding to what is given of that at Cambridge.

portion as our kings resumed their regular rights, and were put in their proper place;—the king's authority being paramount;—and, that as the privileges granted by the popes were presumptions, they became encroachments injurious to the liberties both of the town and university, liable, however, even while the Holy See was in the zenith of its power, to be checked by our kings.

Time was when a Pope's Bull could operate as a charm, or a horror, to all Europe, conferring privileges incalculably great, or inflicting punishments most dreadfully severe; sometimes like a second Venus, giving peace and indulgence not less to universities, than to churches and states; and sometimes towards kings themselves, like the imaginary personages in Æschylus, binding Hercules himself to a rock.*

Here, however, readers may be reminded of a favourite opinion with some, that a Pope's Bull was essential to the foundation of an University, an idea, that is countenanced by a Bull in this volume, p. 71; (of which more in its proper place,) and the allowed usage of the Roman Pontiff; and I recollect, there was a memorable dispute between two learned bodies in Scotland, the University and King's College, and the Mareschal College, Aberdeen. On perusing at King's College, some years ago, the Pope's Bull, relating to its original foundation, it was suggested to me by a gentleman, that the Academia of the Old Town, having the sanction of a Pope's Bull was an University; but, that the Mareschal, in the New, having no Bull, could be only a College: and this seems to be the purport of a passage, which occurs in the course of a dispute, where, after mention made of the Mareschal University, in the New Town, it is added, "if it be a University." Though this Bull, of 1494, in favour of the Old Town, was preceded by the king's request, nor was it erected into a City and University, with the proper privi-

* Κρατος και βια. Prometheus Vinctus, v. 79.

leges, till 1498, by King James IV. However, be these matters as they may, and without sifting too nicely into the language and opinions of those times, we see by the Order of Edward III. introduced in the course of this volume, how these Bulls were understood in England, in his time, when put in competition with the King's constitutional and ancient claims.

More agreeable to English principles is an account subjoined to one of our chroniclers. Sir William Buck *claims* the title of University for the city of London, so describing it after divers ancient writers, and not figuratively, but literally, and in full force. Our four Inns of Court, with the lesser Inns, appertaining to the Court of Chancery, he designates as Colleges, in the former of which Lectures were delivered, and Degrees conferred. Gresham College, too, no less than other more ancient Schools, and Foundations, he calls, in like manner, Colleges, their conformity to colleges, in discipline and rules being more apparent formerly than now; "for seeing," to use the writer's own words, "that not only those arts, which are called liberal, but also all, or the most part of all, other arts and sciences, proper and fit for ingenuous and liberal persons, were and are in this city professed, taught and studied," he thought the city of London (though its several colleges had not the common bond of a Chancellor) was justly entitled to the name of a University, cum *Privilegio Regis:* and I have chosen to refer to this writer on account of his challenging the foundation of Universities rather for kings than popes.*

The Imperial Lawyers resolutely maintain, Academiarum auctoritatem ab Imperatoribus esse concessam, and it has been more particularly challenged for the University of Paris, that most ancient University, from which, judging from the similarity of its forms, discipline, and literature, as

* Sir Geo. Buck's Discourse or Treatise of the Third University, subjoined to Stow's Annals, continued by Edmund Howes. 1615.

well as its officers and magistrates, some have concluded that Cambridge itself was derived. The best writers of their history give it a royal origin. They are proud of their Charlemagne. Even when they find it first dignified with a Pope's Bull, confirming its privileges, it had previously * existed, they say, as a University.†

Monsieur Crevier correctly marks this distinction in regard to the University of Paris, a distinction which no less concerns those of Oxford and Cambridge: but though he resolutely maintains the honour of laying the foundation of the University to Charlemagne, in preference of Popes, it is under certain restrictions, that he brings out his conclusion, Il resulte de tout ce que je viens de dire, que Charlemagne doit a juste titre etre regarde comme le premier pere et le premier auteur de l'Universite de Paris. Hist. de Universite de Paris, tom. 7, p. 105. Thus have the French been accustomed to trace their university to the very origin of their monarchy; and even those who do not give its foundation to

* Ainsi dans cette bulle, comme dans tous les autres actes les plus anciens qui nous restent, l'Universite est supposee subsistante, et elle acquiert seulement un nouveau droit. Dissertation sur les Origines de l'Universite de Paris, p. 96. Sur le Fin de l'Histoire, &c.

† These Institutions were so referred to in the German States, as also in Spain and Portugal; and agreeably to what had been done in those countries we may see by one of the documents in this volume *(Priv. p. 42)* how gallantly Philip of Spain was for giving the honour of founding our University to a Spanish king. The first University that was instituted in Portugal is said to have been founded by Dionysius I. Foi o primeiro que em Portugal instituio huma illustre universade, que trasladada de Lisboa para Coimbra, tem sido mãi, e creadora de grandissimos ingenhos. Elogios dos Reis de Portugal, &c. p. 73. Their kings also regulated this University. John IV. decreed, that nobody should be admitted to a degree till he was sworn to embrace and defend the immaculate conception *da Mãi de Deos, of the Mother of God.* Ib. p. 208. We have been for giving the foundation of Oxford University to Alfred, of Cambridge to Sigebert, if not to Arthur; correctly, however, only so far as princes may have founded, or encouraged Schools, and prepared the way for what we now call, Universities.

Charlemagne, still claim for it a royal founder, Philippe Augustus, Louis le Jeune, or Louis le Gros.

In compliance with what readers might probably expect, and other writers had practised, something, perhaps, more than enough, was said in our History of the University, concerning its origin and antiquity. It was shewn, vol. I. p. 139, from Somner's History of Canterbury, that before the period when our authentic charters begin, the word University was applied to different churches united under an Archdeacon. This was a very ancient use of the word. To say nothing of the examples there produced, and of others by M. Crevier, in his Hist. of the University of Paris, all of which are comparatively of modern date (that from Somner being only of the date 1229; those from Crevier of Eugene III. and Adrian IV.): there is a Bull of Pope Sergius I. to the Canons of Pisa, dated 688, where he says, Universitati vestræ stricte precipimus; and another to the Chapter of Pisa, dated 727, in which occurs, Terrorem Universitatis vestræ; one as high as 494, in an Epistle of Gelasius to the Arch-Presbyter of St. Mary's Church at Pisa: Gratias ago Universitati confratrum horum.* Sometimes *Universitas vestra* simply means all you (vos Universi, as in a Bull of Honorius III. addressed to all the Prelates of Christendom): all these long before our University Records begin. In short the word, being a general term, meant merely Communitas; and, as the latter word is applied in this Table of Privileges, (vid. *Compositionem inter Scholares et Burgenses Cantabrigiæ, Priv. p.* 80,) to the House of Commons, so is it to the town of Cambridge, (p. 31) in their aggregate body, or corporation, and in contradistinction, Universitas, to the Masters and Scholars, in their aggregate body or Corporation; in like manner as the word Parliament,

* *Pontificum Epistolæ sub Finem Theatri Basilicæ Pisanæ.*

has several more general meanings in old writers, (see Dufresne's Gloss. sub voce Parliamentum) but all combining in the Commune Concilium Regni Angliæ, that Concilium was called *the Parliament of England.**

To the question then, at what period did your University begin? the proper answer would be, when it began to exist as a body, with laws, statutes, magistrates, assemblies, and privileges: to the next, when was that period? the proper reply would be, no one can ascertain. For wherever we choose to make our stand, whether at the diploma of Henry III. (Priv. p. 62) which is undoubtedly authentic, or any which preceded him, that are of doubtful authority, they all suppose the existence of a University, but say nothing of its creation: nor indeed from the meaning of the word, as already stated, does it seem to have been necessary; the word was previously in use, and suited to a literary as well as any other body: so it was insensibly adopted, without annexing to the term any of that charm attached to it in later years. This, however, should be kept in mind, that it was certainly applied to ecclesiastical bodies under an archdeacon, long before it was applied to schools, any further than schools made part of those bodies; for it has been shewn in our His-

* I am here reminded of a mistake of some consequence (in questions relating to the government of the ancient Britons) into which Sir Hen. Spelman has fallen in explaining that passage of Tacitus, "Quod *in Commune* non consulunt," Vit. Agric. s. 12. It is clear from what Tacitus afterwards says, and immediately, that it relates to different states uniting for the common good, and not to separate communities having no public council, as Spelman explains it. This I have noticed in a former publication more at large; I shall just add here, that Tacitus's expression is the same as those which frequently occur in Thucydides; Ουδ' αυτοι απο της ισης κοινας ξυστασης ξυνοιουντο——Ου πολλοι φαινονται συνιλθοντες ως απο πασης της Ελλαδος κοινη στειλαμενοι.—Ουτω πανταχοθεν η Ελλας επι πολυν χρονον κατειχετο, μητε κοινη φανερον μηδεν κατεργαζεσθαι, κατα πολεις απολελοιπεια ειναι. Indeed it is a very common form of speech: De Bel. Peloponnes. L. 1. A mistake somewhat similar to this Spelman makes in explaining a passage of Cæsar. See Spelman's Gloss. sub voce Parliamentum.

tory of the University and Colleges, that such bodies had schools usually annexed to them.*

Had learned writers correctly marked these distinctions, they might have spared the effusion of much Christian Ink. For in truth, all that Dr. Caius in his famous book *de Antiquitate Cantab.* says about Schola, Gymnasium, Academia, Studium, Generale Studium, and even Schola Universitatis, and Universitas,† is about moonshine, and like many erudite disputations, where men reason without data, or even understanding their own terms, not worth a straw: one assertion without proof is as good as another; and learned quotations, with mere conjectures, generate only frivolous disputes, and pompous nullities.

But if it be asked, What is now a University? This *Book of Privileges* will furnish a proper answer. Schools and Universities are different institutions andthe difference seems to lie in these particulars. Any one may raise or found a school: and this, according to the success of the teacher, and number of scholars, may flourish, or fade away; so that the school may die with the master, or his learning may, according to circumstances, travel with him from one place to another. A University, on the other hand, besides being a generale studium, in reference to literature, as Dr. Caius explains it, has its settled endowments, its public laws, its distinct officers, and established magistrates, its regular degrees and privileges, its permanent Rector or Chancellor;‡ combining, among us, together various smaller Corporations,

* Vol. I. c. 2.

† *Universitatem* dicens (Caius had been making a quotation) ut et Majores nostri, quo sensu Cicero mundum dixit Universitatem. Nam ut hic res universas suo complexu contineat, ita hæc Universarum Scientiarum cognitionem et professionem habeat. De Antiq. Cantab. Acad. l. 1. p. 34.

‡ This just distinction is made by M. Crevier, in his Histoire de l'Universite de Paris.

or Colleges, in one larger Corporation; and all,—dropping now the Papal claims,—under the sanction of the Royal authority. But we have wandered a little: so we return to our Order of Edward III.

Having disposed of the term University, and having elsewhere settled the meaning of the term College, it is obvious to observe, that the present colleges were incorporated by royal power, and on that depended for what was essential and fundamental: still while popery was the religion of this country, the Roman pontiff also had his distinct powers in English as well as in foreign colleges, that professed the Catholic faith: he added his confirmation, he gave indulta, he bestowed privileges, he interfered in their livings, their discipline, and statutes. Thus we find our first college, that of St. Peter, was founded by a Charter of Edward I. (1274) still it was confirmed by Pope Radolphus:—in like manner there is a Statute of Mortmain by Edward III., containing the Charter of Foundation of Pembroke Hall, similar to that of Emmanuel College, and others founded since the abolition of popery in this country; still there is a supplication from the Foundress for a Bull, and there are other Bulls interfering in the œconomy of that house.*—And the Pope, who could do so many other things, certainly talked in his Bulls of giving the power of erecting Universities.

In truth, the Pontiff had, by degrees, so presumed on the claims of the Holy See, as to absorb in them all other authorities. He portioned out territories newly discovered,

* *Pope Urban's and Innocent's Bulls for a Chapel and Belfry.—Pope Nicholas's, interpreting the Statute of Election of Master, for leave to take any, that is not, or ever was, Fellow.—Pope Clement's for the Appropriation of Sydney.*—Similar to that of Pope Nicholas for the Election of a Master of this College, was one of the Pope for re-electing the Rector of the University of Paris, who had been deprived by the University. The Bulls relating to this body correspond exactly with those, which relate to the Universities of Oxford and Cambridge. Vid. Crevier Hist. de Universite de Paris, Appendix.

and set their boundaries * (as did Alexander VI.); he dethroned and excommunicated kings; he disposed of their dominions, and interdicted their subjects. By the power of the keys he opened the gates of heaven and hell. So great was the force of a Bull, it made every thing give way. Our king John yielded his kingdom and all to it, though he set out with making at first † a just distinction between civil and religious subjection: and, on the other hand, *Henry* VIII., who at length stripped the pope of every *claim in* this kingdom, had two years before acknowledged the power of the keys,‡ and by virtue of that power it was that the pope had settled on that monarch the title of *Defender* of the Faith.

Still we must keep in mind, and to that point the present matter is bearing, the difference between a constitutional right, and an assumed claim. It was agreeable to natural justice, as well as to ancient custom and the law of England, (which is what we mean by Constitution), that kings should encourage literature, that they should found or protect schools and colleges in this country; but by popes the order of things was reversed, when they interfered in the regulation of them. The prince's act was that of the civil magistrate; a matter of internal discipline, exhibiting a just principle of political œconomy; the pope's the interference of a *foreign*

* *Captain Burney's Introduction to the History of Discoveries in the South Seas.*

† Bene, inquit, reor, quod dominus Papa meus est Pater Spiritualis, et quod vicem gerit beati Petri, et illi debeo obedire, scilicet in spiritualibus; at in terrenis, quæ coronæ meæ pertinent, nequaquam. This is said to the Pope's legate, Radulph.—John, however, afterwards resigned to the Pope by charter, "totum regnum nostrum Angliæ, et totum nostrum regnum Hiberniæ." *Annales Monast. Burton. apud Rerum Angl. Scriptores, per Gale*, Vol. I. p. 270.

‡ In the dedication of his Treatise entituled, Assertio de septem Sacramentis contra Lutherum. Romæ, 1543.

ecclesiastical power, implying something of religious, and, indeed, of civil submission, amounting even to a feudatorial subjection, not congenial to the English Constitution, as being never allowed and settled by the law of the land: though indeed, even long after the Reformation, the more zealous papists thought the English Universities would be brought back to their old faith, and that the authority of the Holy See was essential to the re-establishment of our Universities.*

Thus, then, in the production of these extraordinary Institutions two great powers were in motion, which, during a certain period, seemed, yet only seemed, to move in a parallel direction, without interfering (except occasionally, and on some emergencies,) with each other. But power always tends to encroachment; and, for the most part, that which has least right, is most presuming. Never were words penned with such insolence, as that form given by Pope Innocentius to King John. But when the just claim comes, with its natural and legal support, the false gives way. Thus it proved in the present case. These two powers continued occasionally to recede, and occasionally to approximate, till at length, like evanescent qualities, they were considered as one, in the person of Henry VIII.

Whether, now, it be agreeable to sound policy, that the civil and ecclesiastical power should exist in one and the same organ, or should, rather, be vested in authorities different and independent of each other, is not the question here:—though were I considering, instead of facts, an abstract question, I should certainly decide in favour of the principles of Milton and Locke, in preference to those of

* Accordingly in *A Memorial for the Reformation of England*, (MS.) drawn up in 1596 by one who believed that this country would, at a future period, be brought back to popery, it is laid down as a first principle in regard to Universities, "that there must be a commission and facultye, of such as come to reform, ample and large, both from the *Realme* and *See-Apostolic*."

Mr. Hooker and Bishop Warburton.*—But I am now speaking of fact, not of right. And it is a fact, that civil and ecclesiastical power existed in one and the same organ, till the time of William the Conqueror, when a separation was first made of the ecclesiastical from the civil courts.† Among our early ancestors, while yet in Germany, the maxim had been, de majoribus omnes, all (i. e. the whole legislature) determined on greater matters; and among the greater matters—we may be sure—would be reckoned, when they came here, and were christians, such things as related to the church: from indisputable testimonies, indeed, it appears, that civil and ecclesiastical matters were regulated in the same court here, both among the Britons and Saxons.‡ Here the clergy and laity formed one court, and the king presided; and he, with the clergy and laity, formed one legislature. It deserves notice, too, that even the bishops,

* Compare Milton's Treatises *on Government, and Locke's on Government and Toleration,* with Hooker's first and eighth Books *of Ecclesiastical Polity,* and Warburton's second book, c. 3, 4, of *Alliance between Church and State.* I have elsewhere remarked, and it is worthy of being remarked again, that Mr. Locke's Treatises on Government are founded on Hooker's excellent first Book of Ecclesiastical Polity, on the Nature of Law. I have quoted, too, in the same place, and it is worthy of being quoted again, the following observation of Milton: "Primò homines, ut tute et libere sine vi et injuriis vitam agerent, convenere in CIVITATEM, ut sancte et religiose, in ECCLESIAM: illa leges, hæc disciplinam, habet suam, plane diversam. Hinc toto orbe Christiano per tot annos bellum ex bello seritur, quod MAGISTRATUS et ECCLESIA inter se officia confundunt." Miltoni Def. pro Pop. Angl.

† Spelmanni Gloss. sub voce Parliamentum, and Concil. Brit.

‡ See, among others, the Laws of Ina; "Ego, Rex Ina, Dei Gratiâ, cum consilio et cum doctrina Cenredi Patris mei, et cum omnibus meis Senatoribus et senioribus sapientibus populi mei, et multâ cum societate ministrorum Dei, (⁊ eac myccelne ȝeþrymnunge Godes) consultabam *de animâ meâ*, et de Fundamento Regni nostri." *Ll. Anglos. ed. Wilkins*, p. 14. What *had been* the practice of the ancient Britons, when they became Christians, may be inferred from what *was* the practice under Hywel Dda, *Howel the Good.*—Ll. Walliæ Civiles et Ecclesiasticæ, p. 6, edit. Wottoni.

at their ordination, in the Saxon times, were not sworn to subjection to the Roman pontiff,* however orthodox they were obliged to be in doctrinal matters. Hence it follows, when the civil magistrate arrived at the point just alluded to, that, so far as matters of discipline went, he arrived at his ancient, if not his proper, place; that he acted in violation of no constitutional authority, of no acknowledged claim, but rather in perfect consistency with the prerogative and ancient rights of the kings of England: hence, too, it follows, that when Edward III. issued this order against the authority of the Pope's Bulls in our English Universities, whether they are considered as ecclesiastical or civil institutions, that he acted constitutionally, that is, agreeably to old English custom and law. If our Universities were ecclesiastical institutions, the pope, whatever authority he might ground on the Canon law, possessed none, that was owned by the law of the land; if as civil, and our Universities *are now considered Lay-Corporations*,† the king stood in the same relation to them, as he does to all other civil Corporations.

But it is, likewise, worthy of notice, that this Order of Edward III., which has led to the above remarks, is worded in the most exact, decisive, legislatorial manner, not as an act simply royal, but as one of the whole English government, ecclesiastical not less than civil. So that by this act the authority of the pope in our Universities, however it might be left occasionally to operate, was in fact cancelled

* This is evident from an *English Pontifical*, (in Archbishop Parker's MSS. in Bene't College) which contains the examination of a bishop at his ordination. The bishop promises to teach the people out of the scriptures, in the discharge of his duty as bishop: he also professes his belief in the Trinity. But there is not a syllable about obedience to the Roman Pontiff, which the bishops at a subsequent period were obliged to swear.

† *Blackstone's Commentaries.*

for the time in a tone as full and authoritative in the University, as it was, afterwards, through the land, at that more splendid period, which we call the Reformation, under Henry VIII.: in speaking of which period, indeed, we must learn to distinguish. We may approve the principle of separation from the Roman See, yet not, altogether and implicitly, the practice which ensued. To make a thing straight, which was before crooked, it is expedient that it should not only be forced into a deflection, but be *brought* into a right line; else, though the direction may be altered, the line will be crooked still. So far as Henry united, in any of his measures, with the whole legislature, (as in the above order, de l'assent des prelatz, ducs, counts, et barons, &c.) he may be said to have acted right. But when he wrote (for he was himself a great writer of such things) and issued, proclamations, or injunctions, potestate regali, (merely by his royal authority) and gave them the force of law; when he ruled (as he did for many years) without parliaments; when he appeared (so he has been described) *as a king with a pope in his belly*, without the assent of bishops, lords, or commons, then he acted the politico-theological farcical part of a Janus, not the sober one of a politico-regal king of England.*

Another distinction should be made; for subjects of this kind involve no question of truth, metaphysically or theologically considered, but of national independence, and political expedience, relating to public, not to private religion: these, indeed, may assist and support each other, but do it only occasionally, and, as it were, by accident, not by a necessary reciprocity, or any uniform sympathy of nature; on the contrary, like two powers, of equal force, moving in opposite directions, they often interrupt and destroy each others' operations: and that public and private religion are distinct, and therefore may have very different

* Fortescue de Laud. Ll. Ang. Cap. 36.

tendencies, is clearly taught both by political and theological writers.*

Here, too, it must not escape the reader, that I am not examining an abstract question on the nature, extent, and utility of Literary Corporations, in general, but merely stating the fact of their existence. Were I examining an abstract question, I should be bound to hold the balance of comparison. All corporations must possess certain proprieties highly favourable to those whom they concern: and a question then arising, whether local improvements, partial progress, and particular interests, are in harmony with general advancement, and public utility, I might, perhaps, have two or three ideas, which I do not think it necessary to introduce into the present statement.

The legislative interference, with respect to the papal authority, during this reign, was not confined to the Universities: for besides the law against the Pope's Bulls, passed in *their* favour, others passed relating to appeals, investitures, provisors, and other branches of the popish usurpation: and these were followed by other laws to the same purport under Richard II., Henry IV., and Henry V.;

* To Bishop Warburton's and Dr. Paley's distinction between public and private religion I have alluded before.—Semler, a learned German critic, writing merely as a Christian and theologian, says "De hoc igitur mihi satis persuasum habeo, *Catholicam* ecclesiam curasse tantum societatem *externam* suorum civium: nec intercedo: non abnuo: jure sic egit cum omnibus qui ipsi consentiebant; sed iniquè egit, quod *privatæ* religionis, quam *publica* religio unice adjuvare et promovere creditur, libertatem illis non concessit, qui Christiano jure jam ipsi uti et vivere vellent, quia sic se vivere posse intelligebant." *D. Jo. Salem Semleri Novæ Observationes*, &c: *Halæ*. The old popish doctrine is horrible, considered either in a moral and religious, or political point of view. In the popish countries of Europe, the public Catholic religion had long trampled upon all private, whether Jewish or Christian; and in Spain even Goths and Saracens were more tolerant of the private religion both of Jews and Christians, than the ruling parties before had been towards each other. See *Claude's Hist. Reform. in France*, part 3, chap. 3; together with his *Groans of the French Protestants*, and Mr. Robinson's *Ecclesiastical Researches, Ch. IX. of the Church of Spain*.

but as these latter were often overruled, and Bulls from Rome admitted, through the king's pardon, or even by his licence; so in our Universities, as it should seem, this order relating to Bulls was rather provisional than final (hence our vague manner of speaking elsewhere): for, whether it was that this act was considered only as a temporary expedient, or gave way through the weakness of the royal power, or was even made with a proviso for the royal licence, whatever the cause, the law was not permanent. For after *this king's* order, we find Bulls granted both to private Colleges, and the University. It remained, then, for Henry VIII. to give them the final blow.

And, whatever Henry's motives were, his plea was good, and his arguments conclusive; supported, as we have seen, by the constitution of his country. A table of some of his public acts relating to the University will be found in this volume, and one *concerning the Public Orator*, at full length. It seems, too, worthy of notice here, that the king ordered every College to send in all its Grants, Charters, Statutes, and Bulls, which has already been noticed in our History of the University; and, further, that though he returned the Charters, it does not appear that he returned the Bulls. This is mentioned again, (and it will be found noticed in this Book of Privileges) because, probably, it may be assigned as a reason, why in the Table there appear so few Bulls.

Should it be thought by any reader, that the observations made above are more than were called for in this place, he should be reminded, that we have been talking of remote times, and of our old English government; that points of antiquity must be illustrated by testimony, and questions about claims by appeals to prescription and ancient laws; that we have been speaking of times, when our Universities and government, as well as those of all Europe, had for many centuries been entangled with the Roman court, as in a web, which it is no easy matter to unravel: all this should

be recollected. But England had been called only the adopted child of the Roman church: and, having been the last European power in submitting to the Roman yoke, she became the first that threw it off. Our British king Lucius (though only one of Tacitus's Reguli, not the king of Britain in the sense represented by some writers, as already noticed,) is said to have been the first Christian king in Europe, and had been called, by king Eleutherius himself, the Vicar of Christ, Vicarius Dei, in Regno Dei (if we allow any authority to that testimony): the kings had never been feudatory to the Romish see,* as other Europeans were: hence Bracton says, for it is in reference to this he is speaking, Parem non habet Rex Angliæ in Regno suo; multo fortius nec superiorem: and if this be enumerated among the Jura Majestatis of the kings of England, as matter of precedency of other states, Alma Mater must be allowed to come in for a share of the honour.

This act of Edward III., though not the first addition in the order of the volume, is introduced the first here, on account of its significancy, and relation to the authority on which this University at present rests. The reflections upon them almost insensibly stole upon my mind; and they are placed before the reader not without design. They may serve partly for elucidation, and partly for congratulation: for elucidation, as pointing out the distinct provinces of kings and popes in the creation or establishment of Universities and Colleges; of congratulation, for the shadow of liberty is to be preferred to the solemnities of usurpation: and with respect to what has been said of Henry VIII., and whatever readers may think of him, it must be more agreeable to an English University to receive privileges through the medium of its own civil government, than of a foreign ecclesiastical despotism.

This first addition was made to shew its excellence, a *few*

* *Questions of Precedency*, &c. *in Cottoni Posthuma*, p. 78.

other additions, on which we are next to remark, to prove their inauthenticity. And, previously, let us concede, that whatever may hereafter appear, no blame can attach to the present generation, none even to the leaders of the Reformation, who settled our Universities, as they now exist. For though the leaders of the Reformation have been charged with devastations, dilapidations, and enriching themselves with the spoils of the dissolved monasteries,* forging writings was the invention of an earlier period. And, perhaps, the men of that age may find a parallel in the history of man. Besides, are we sure, from what we know of the different sects, that any other, living in the same ages of darkness, supported with equal pretensions, and backed by an immense power, like that of the court and church of Rome, would have acted better? But more of these matters in another place.

The next addition, then, which I have made, is the Charter of king Arthur. *Privileges*, p. 55.

My original has the titles only, but the Charters and Bulls are in Hare's Collections, and in the Black Book; they are also subjoined, with the Historiola de Antiq. Cantab., to Sprotti Chronica (though it does not follow, that Mr. Hearne, the editor, believed them genuine), and are reprinted in Parker's History of Cambridge. What has been said of their inauthenticity in our History of the University, may be considered rather as negative, than positive arguments. Dr. Caius considered them as authentic, so did Dr. Fuller, at least some of them; though he follows, principally, the

* Ludovico Beccatelli, in the Life of Cardinal Pole (p. 110 in Pye's translation) says, "that the ecclesiastical revenues sequestered by Henry VIII. amounted to the full moiety of the ancient patrimony of the church." And from the translator's account in the notes, grounded on what Archbishop Parker says, (Antiq. Eccles. Brit. p. 528) it appears, that what Queen Mary was content to relinquish, (as being vested in the crown) served, eventually, only to enrich Cardinal Pole, all which wealth he left wholly to foreigners.

authorities of Rosse and Caius.* Archbishop Parker, too, perhaps, might receive them,† though he begins his *Muni-menta* with Henry III.

There are two copies of Mr. Hare's Collections, the Vice Chancellor's, and Registrar's; what his opinion of the suspected Charters and Bulls, contained in them, was, does not appear from either; Mr. Baker, Dr. Ashton, and Dr. Parris thought them all forgeries. Still this is opinion against opinion; and opinions without arguments, are but negative proofs; and not being aware that any of our Cantabrigians have gone formally into the subject, yet having spoken freely of these ancient writings in the History of Cambridge, I think it both in place and character to give reasons of a more positive nature, why I consider both Bulls and Charters no genuine instruments: otherwise, it may be supposed, that I spoke flippantly, or from mere petulancy. It is proper, too, that things of this kind should sometimes be sifted; and the thoughts which arise on them are often of use in other questions besides those which are the immediate object of them. So to proceed to the first of these Charters, that of King Arthur.

It might first be observed, that the account of Arthur, as given by Geoffry of Monmouth, and other monkish chroniclers, is, in the judgment of many, not merely fabulous in parts, but an entire fable throughout: he is not once mentioned by Bede, and therefore not in the Saxon Chronicle; which is somewhat extraordinary, Bede living so near his time: but, not to insist on that, yet, at the same time, leaving the embellishments of Geoffry to poetry, we think the middle opinion of William of Malmesbury more akin to true history, viz. "This is that Arthur, of whom so many British absurdities, and to this day, are wantonly advanced, of a man worthy of not having fallacious fables dreamt about him, but of the report of true history, as being one, who long sup-

* Ch. Hist. c. 10, § 6, 7. Hist. Camb. p. 25.

† Catal. Cancel. p. 1.

ported his falling country, and sharpened the unbroken mind of citizens to war."*

Nennius's† account of him, too, only supposes he was one of those powerful leaders among the British kings, who eminently distinguished himself by his valiant resistance of the Saxons.

Now, it not being pretended, that either this Charter, or the others in the Black Book, are originals, but only copies, their authenticity must be inquired into not by *the shape of* the letters, abbreviations, subscriptions, or seals, and such-like other canons of criticism, by which originals, claiming a particular age, are examined. Other rules must be adopted. Let us, then, examine, whether they can, possibly, be transcripts of original manuscripts, from which, if they mean anything, they must profess to be derived.

Our old chroniclers, who mention Arthur, fix *the* beginning of his *reign*, A. D. 516.—Now, is the stile of this Charter, that of his age? Suppose of Gildas, who flourished in 495. To do the writer of this Charter justice, it is superior. Was Lucius‡ ever King of Britain, in the sense which this writing supposes? Is not the language of it, speaking

* De Gest. Reg. Angl. L. 1.

† Artur pugnabat contra illos in illis diebus, videlicet Saxones cum Regibus Britonum: sed ipse Dux erat bellorum: et in omnibus bellis victor extitit. The *Variæ Lectiones*, ex MSS. Cantab., &c. under, *cum Regibus*, has, *cum Regibus Brithonum, et licet multi populi nobiliores essent, ipse tamen duodecies dux belli fuit, victorq. bellorum. V. Nennii Hist. Briton.* Gale, p. 114, 131.

‡ Bishop Godwin, speaking of Lucius, correctly observes, "Et huic quidem sententiæ eo promptius accedo, quia si Cæsari, Tacito, Suetonio, et aliis primæ notæ Romanorum rerum Scriptoribus habemus fidem, constet nobis oportet, ab uno aliquo principe Britanniam, imo ne hanc Britanniæ partem quam nunc Angliam nuncupamus, unquam regi consuetam, nisi quandoq. contigerit, ut imminente graviori periculo ab hoste aliquo externo, plurimorum regulorum consensu, unus cæteris præficeretur donec reddità pace, unicuique suam ditionem repetere liceret." *De Conversione Britan. ad Christ. Relig.* p. 18. præf. ad Præsul. Angl. &c.—Tacitus in Vitâ Agricola, c. 13, says, *Domitæ Gentes, Capti Reges*, and again, *olim Regibus*

exemptions from tributes and burdens, the very language the middle ages? Could ever monk or gaping clerk eak more appositely? *Rectori* Scholarium—was not that e language of a much *later* period?*—These, and other estions might be asked, on the terms of this Charter. But r old chroniclers (the Saxon Chronicle more particularly), d after them Stow, place the coming of Augustine into is island, A. D. 596, "being sent by Pope Gregory, to each the gospel to the Angels (Angles, English)."† Now, r certain, Christianity (whether introduced first by Peter, Paul, or Joseph of Arimathea, no matter) existed here ng before, yet unconnected with *the Apostolical See*, at ast not subject to it. The letter of Pope Eleutherius, ted a Nativitate, vel a Passione, (for different copies read differently) Christi 169, addressed to Lucius, *King* of ritain, (said to be the first Christian king of Europe) could, most, be only one of *the Reguli*, or little princes, among hom Britain was divided: and many suppose the whole tter to be a forgery: and "vicarius vero estis in Regno," ith other expressions, favours the opinion: but, should it allowed to be genuine (which would be allowing a great al), that very sentence (though the letter breathes an air of ntifical solemnity), would be enough to shew that Eleuerius could never dream either of civil or ecclesiastical bjection: and the celebrated answer‡ of the Abbot of

rebant, nunc per principes factionibus et studiis trahuntur; these are ewhere called Reguli: and Juvenal, who lived nearly as late down as rcius, says,

"Regem aliquem capies, aut de temone Britanno
Excidet Arviragus."

Sat. IV. 126.

* *Rector* was what we now call Chancellor, except that he was an ecclesiastic, and chosen for two years, sometimes one. Wood Hist. Ant. Ox. L. 1. 48, 53.

† See Stow's Summary of Annals, and Saxon Chronicle, p. 23, ed. ibson.

‡ Spelmanni Concil. Brit. tom. 1, p. 106.

Bangor,* to the demand of Augustine, disavowing any subjection to Rome, proves that it could not then be known in the island. What then shall we say of a Charter, coming with a *Licentia sedis Apostolicæ*, dated A. D. 531?

Selden (*Janus Anglorum*, p. 52,) says, that Leland asserted, he saw in the Church of Westminster, Arthur's Seal; but, if I understand him right, he seems to doubt it: and the idle tale of Arthur shews it to be not genuine; *nor is it* said to have been a Charter. "That the English *had seals* from the Saxons," adds Selden, in the same page, "is beyond a doubt." Dr. Hickes, too, had thoroughly explored the archives of the Church of Westminster, and as he refers the introduction of seals to the Saxons, and gives his testimony in favour of what he deems the most ancient Charter, I do not know, that we can follow better authority. He says, Septimum erat sæculum, in quo Chartæ ab Anglosaxonibus primum fieri cæperunt, aut tum ab eorum aliquo factæ fuisse ullo auctore traduntur. Extant vero, quæ *VII* inito sæculo, et deinceps confectæ erant *vetustissimæ*, scilicet Charta Ethelberti I. regis Cantwarum, omnium antiquissima, &c. Epist. Familiaris, p. 79. Nor do I find that *Dr.* Hickes, either here, or elsewhere, attempts to produce any example of a British Charter.

So, to cut the matter short—Charters were not even known here at that period. Ingulphus's account would fix their introduction at the distance of several centuries; but Dr. Hickes and Selden, we see, both maintain they were first introduced by the Saxons. And Arthur, fully employed in fighting against the Saxons, was not likely to get Charters from them. As Dr. Hickes maintains the first genuine Charter in this country was of the seventh century, so does Mr. Ruddiman,† in his preface to Anderson's Diplomata Scotiæ, *suppose*

* Synodus Wigorniensis, in Spelmanni Concil. Brit. tom. 1, p. 106.

† *Ruddiman's* Introduction to Anderson's Diplomata Scotiæ.

that Charters were introduced in Scotland about the same period.

The reader will please to notice what I shall presently say on the word *Script*.

Another evidence of inauthenticity, worth noticing here, is similar to that pointed out by Dr. Hickes, in a Charter falsely ascribed to Edward the Confessor. He observes, all Charters had either a sign, or seal (as after the Conquest): but, adds he, of Edward the Confessor's Charter, "Huic vero Chartæ insulse legitur nomen regis nudum absq. ullo signo sive sigillo his verbis; ego Eadwardus, &c." This will apply to our Charter: and, though it professes to be only a copy, yet, has it not the usual formality, or intimation, that there ever *had* been any signature of any kind.

The next *Charter* (p. 56) is entitled *Privilegium Cadwaldi*, &c. He begins with calling himself *Rex totius Britanniæ;* King of all Britain. Now all Britain, *Magna Britannia*, called Albion, extended from Kent (Cantium), to the extreme of Calidonia (Scotland), even passing the Roman Walls, and included all the interjacent country, eastward and westward.* What can be made, then, of this sounding title, Rex totius Britanniæ? Gildas, Nennius, and Richard, the monk of Westminster, throw a little light on this, totally inconsistent with the idea of any one's being, at that time, *King of all Britain*, otherwise than as Generalissimo†, which is not the officer held out here.

* Ricardi Monachi Westmonast. de Situ Britanniæ, l. i. c. ii. iii. vi. Britain had been divided into thirty-three cities, (civitates, so left by the Romans) independent of each other. This subject is well treated of in Turner's Hist. of the Anglos. vol. 1, B. 1. c. 8.

† Squire on the English Constitution, p. 252, ed. 1753. Asser calls Ceadwalla, Rex occidentalium *Saxonum* only, p. 147, *Gale:* and Egbert, King of the West Saxons, 133 years after, was the first called Rex *totius Angliæ*, Hist. Angl. Norman. p. 230, notes, *Maseres.* Why Higden calls him Rex Britonum, et Rex Occidental. Sax. vid. Polychron. L. 5, p. 243, *Gale.* My argument does not require me to notice Nennius's, Lucius Britannicus Rex cum universis Regulis totius Britanniæ, &c. some 100 years *before* the Heptarchy.

We have, in this Charter, the same anachronisms of language as before, except that the writer more boldly uses *Rectori* (the very word used for the Chancellor in after-times) instead of Rectoribus; the same talking about former privileges; the notorious story of Cambridge being founded by Cantaber, &c.; of exemptions, which were not granted till many centuries after, and allusions to Charters, given many centuries before Charters were known to exist in this island, with a little aping of the language of the *6th and 7th* centuries, *Pontifices*, *Reguli*, and *Principes*; Regulis, too, is unfortunately introduced in Britain, after the division of the Saxon Heptarchy, with Rex totius Britanniæ.* Of the year 681, or 685, (no matter which) let it be observed, that some chroniclers fix the beginning of Cadwalla's *reign* in 635, and his death in 683; the date, therefore, as it is in the *Black* Book must be false. Dr. Caius alters the date to 685; but on what authority? And by what *could* a king of the West Saxons confer these Privileges on a University in the East Angles?

We next come to Edward III.'s Charter *(priv. p. 57.)* Probable it is, and almost certain, if Edward gave this Charter, he gave it in the Saxon language, and for the following reasons: this (the real English) was the vernacular language

* Tota Britannia, according to the Saxon divisions in England, could only be parts of Wales and Cornwall. According to the Sax. Chronicle, Cadwall resumed his government in 685, and died at Rome in 689. Vide Sax. Chron. pp. 46, 47, Gibson. No one could *then properly* be called Rex totius Britanniæ, nor at the time of William the Conqueror; and even then, the usual title in public instruments, is, Rex Anglorum, or Rex Angliæ, as it had been in the time of the Saxons.

Rex Totius Britanniæ, indeed, occurs some years between, viz. even in what are called Edward the Confessor's Laws; but, these, as appears from the Norman-Latin style, with the explication of Saxon terms, were *made up* in a later period, and, therefore, what relates to Arthur, and other kings, could not be made use of for any serious purpose. See *Ll. Anglosax.* Wilkins, p. 197. And that the reader may not take my mere word, let him hear what the learned Dr. Hickes says, leges Edwardi regis, *non eas Latine scriptas*, quas falsarius aliquis interpolavit, Dissertatio Epist. p. 43. How, and in what sense Alfred became totius Angliæ primus Monarcha, (as in Ordericus Vitalis, in Hist. Ang. edited by Baron Maseres,) see the Baron's note, p. 236.

of his times, and very few of the natives understood a word of Latin. Alfred's and Elfric's testimony (unexceptionable evidence) have been already given on this point. And so it appears from Peter of Blois' (Gale's Script. Angl. V. I. p. 114,) Account of the Monks, who came from Orleans, and taught the sciences in a barn at Cambridge. Edward's laws, and other public instruments, with those of the several English kings, to the time of the Conquest, were, therefore, given in Saxon. For, though it is true, as Sir H. Spelman observes, that the church had been accustomed to give its Canons commonly in Latin, (as the sæcular power its laws, in the vernacular tongue,)* yet that practice had now ceased, through the ignorance of the Latin. Ingulph tells us, that all the Charters that had been in Croyland Monastery, were in Saxon. And the learned Dr. Hickes assigns it as a strong proof of a Charter's being forged, which yet was ascribed to Edward the Confessor, that it was written in the Norman, or Roman characters, whereas, the Saxon characters were used in Charters, even till after the Conquest.† It is, therefore, probable, I say, if Edward gave this Charter, that it was given in English. On the other hand, had it been a translation, he who made it, would, for obvious reasons, have said so.

Further, had there been such a public instrument as this, it would, probably, have been recorded in some Chronicle; the monkish chroniclers notice some Charters and Grants of our Saxon kings, (with some of these historians, it was a favourite employment:) and to have noticed Edward's *raising the Muses* in their dejected state at Grentabridge, would have added another gem to the crown of our heroic prince. In the Chronicle of Melross, we read that Edward ordered (A. 916) the wall of the town of Bedford to be built on the southern side of the Ouse: he was then, pro-

* Spelman's Testimony, (from Concil. Brit.) as quoted in Wilkins's Leges Anglo-sax. p. 196.

† Dissertatio Epist. p. 18.

bably, at Bedford in 916, and though so near to poor Cambridge, we read there of nothing that he said or did, A. 915 in its behalf. We hear of no appeals, as in cases already mentioned, to records in the Tower, nor to the FŒDERA of Rymer, who has copied most of our authentic Cambridge Charters. A testimony from any of these quarters would have carried some authority. But no—this Charter is to be found only in our unlucky Black Book: it is copied by Hearne, as it occurs in NICHOLAI CANTALUPI HISTORIOLA; and on this prop only it rests.

In the style of this Charter, as we now have it, there are several features, that deserve notice. "Edward, by the Grace of God," &c. though not the regular formality in our Saxon kings' Charters, and Laws, as it occurs at the front of Ina's Laws, (it became more usual after the Conquest) may pass: still those who have read of the complete destruction *made by* the Danes among the East Angles, of Monasteries, MSS. Bulls, and Charters, and of the subsequent barbarism, from before the time of Alfred to the time of Ingulphus, may be surprized to hear of a *Mater Philosophiæ*, with all the formalities and officers of a University, (indesinenter) a Chancellor, Doctors, Scholars, and *servientibus*, (whose privileges were conferred some centuries after) those persons, I say, may be surprized. A Chancellor too! before the name of *Chancellor* came in use; the principal officer of the University, as well in Oxford and Cambridge, as Paris, was *Rector*.* The names of the peculiar officers, and the privileges granted, the disputes and cabals, and the course of studies, were much the same in all, and came in at each place at no great distance of time, a circumstance worth noticing,† for it throws light on the history of each University. Baker, our Cambridge antiquary, observes, the first time he meets with the name of Chancellor, was in 1246, though it will appear, that

* Baker, Wood, Crevier.

† Compare, on this subject, Crevier's Hist. de l'Université de Paris, Appendix, with Wood's Hist. and Antiq. Oxon. and Hare's Index and Charters.

Hare found it 16 years earlier;* and if I may venture an opinion, it was probably first used at Cambridge, at the beginning of Henry III.'s reign. What favours this opinion, is, that in this reign our literary body was brought into something of university order. Then was entrusted to its principal officer a portion of *forensic, judicial* authority, though it did not settle, till many years afterwards, into the formalities of a regular court.

It should seem, then, that the word *Chancellor* is a generic term, like that of University; and its name probably came into use with the appointment of the Rector to a new office. The date of this Charter is 915, and the beginning proclaims, Præcepto Johannis, Apostolicæ sedis Episcopo. Now, some Chronicle makes John Pope, not till 918; Bellarmine, not till 916; either way, there is a false date, and in an instrument of this kind, this is a strong presumption that it was forged. Observe further, that in the first accounts of Charters in ancient Chronicles, these distinctions are preserved; "Hi sunt testes qui adfuerunt, quiq. ei subscripserunt: cum suis digitis subscripserunt Christi crucem, et confirmabant cum," &c. or something of this kind. The *same* formalities were not uniformly preserved, but some usually were: and observe what Dr. Hickes says, Verum inito octavo sæculo, eoye haud multum promoto, inde, signandis chartarum temporibus, *ad annum indictionis* annus Dominicæ Incarnationis frequentius jam tum usitatus accepit.

There is another feature in this Charter, that can escape no one; its style. Hume observes of Edward, "Though he equalled his father (Alfred) in military talents, he was inferior to him in knowledge and erudition." Yet, surely, he had common sense—and would any man with a grain of sense say of his Charter, "Rata decerno durare quamdiu vertigo poli terras ac æquora circa æthera siderum justo mo-

* See Hist. Univers. and Coll. Vol. I. p. 60.

deramine volverit? Such a vertigo could only be in the brains of a monk; and, doubtless, the priest laughed at his own conceits.

For the reasons, then, above-mentioned, with all due deference to better judgments, I cannot believe, that the aforesaid Charters are authentic instruments.

Thus far, concerning our three first Royal Charters: let us next consider the Bulls; and I suspect, here, also, *will be* found as much anomaly of matter, and anachronism of style, as before. The first Bull is that of Honorius I. (Vide *Privileges*, p. 58.) Whether, by *Pagans*, the writer means Romans, Picts and Scots, or the first adventurers of the Saxons, is of little consequence. Certain it is, there was no University and Chancellor here at the time, as this Bull holds out. Observe, too, we have here a succession of *Bishops* of Rome, who granted privileges to this University, in the following order, Elutherius, Fabian, Leo, Simplicius, Felix, and Boniface. Now, according to Bellarmine, the order of succession proceeded thus; Elutherius, Fabian, Felix I. and II. Boniface, Leo, Simplicius.* We have, also, here, an exemption granted the University, from Archbishops', Bishops', and Archdeacons' Courts. Now, the exemption from the Bishop of Ely's Court, and the Archdeacon's, was not till 1276, and was procured by Hugh Balsham, *Bishop* of Ely, founder of Peter House: and this, as well as founding a College, is mentioned among the praises of that Bishop.† This date will be found in p. 8, of the present volume. *If* it be said, this Bull is the foundation of Balsham's Grant to the University: Why, then, was it not so stated, as the usual practice in such cases was, in the Bishop's *composition*?‡

* Bellarmini Chronologia, sub Finem Libri, de Eccles. Scriptoribus.

† See further, Bentham's Hist. of the Convential and Cathedral Church of Ely, p. 150, first edition, as already quoted, in the Hist. of Cambridge. Yet Platina and others, who have written about the Popes, at least, as far as I have examined, do not notice it.

‡ It may be seen at large in Fuller's Hist. of the Univ. of Camb. p. 23, at the end of his Church History.

But, as before observed, no University, with a Rector, existed at the time of Honorius. The Bull further intimates, that Honorius was a student in the University, when young: now does it seem reasonable to suppose, that Honorius, when a boy, should be sent from Italy, *in the 7th century*, to be a student at Cambridge?

But further, Cancellarius cum Rectoribus:—we have here two misnomers. All writers on Universities allow a Rector was one, not many, Rectores: and what this writer means by Rectores, we shall uniformly find called, in this volume, Doctores, Magistros; the first title of a head of the College at Cambridge, was Custos; Rectores were Rectores Ecclesiarum.*

Two things are observable in the date: first script., when we might have expected, in an authentic Bull, Dat. In all the genuine Charters, in this volume, this distinction is preserved, except where Teste me, (a formality, which came in use before the time of Hen. III.) or Literas nostras fieri fecimus patentes, or, the Sigillum Domini Regis apponitur, as after, and in continuance from the Conquest; and sometimes, Dat. per manum nostram; but it does not appear that Script. was put in the place of Data.

This distinction, too, if I mistake not, is usually made, in genuine bulls, except, where acta sunt may be given, a word synonymous to Dat., or Data and Acta both together. It is preserved in a course of many genuine Bulls, of different dates, that I have read, given to the Canonry of St. Martin, at Pisa.† The reason of this distinction appears in one of the dates; *Dat.* Laterani a salutis 729, scripta per manum Benedicti Scroniarii. It was not the office of the King or Pope, scribere, but of their Notary, Chancellor, Master of the Rolls, or the like. Whether the word script., as the instrument passed through an officer's hands, may have been

* Rectores *Ecclesiarum* was used, in the middle ages, nearly in the same sense in which it is now.

† Sub fin. Thesauri Basilicæ Pisanæ, Romæ 1728.

sometimes put by mistake, is more than I can say: I meet with it in two or three Bulls in Will. of Malmesbury. I observe, further, that the date of the king's reign, or of the Pope's advancement to the Pontificate, is usually put, but is left out in the two first Bulls; the third has it. Finally, the date itself is incorrect, 624; whereas, Bellarmine gives the date of Honorius's advancement to the Pontificate, 626.

I have read a Charter of Pope Sergius, with Universitas vestra, as in this; but in the former case, there is *no anomaly* either of style or date. Universitati vestræ stricte præcipimus, in the former, is applied to the Chapter of Canons, &c. belonging to St. Martin's, at Pisa; and the date has all the formalities, Dat. Laterani Pontificatus Nostri A. 2.*

Dr. Fuller, speaking of Mr. Twyne, of Oxford, who had noticed this false date, calls it a pretended detection, *finding* Honorius sitting in the Papal Chair at the time, in writers of undeniable authority: but, with submission, I think the date of Bellarmine is more likely to be correct, as being made on examination, after theirs, than either Matthew of Westminster's, or Platina's.

But Dr. Fuller further thinks, this Bull ought not *to be* considered spurious, merely on account of a false date. But, with submission, I think a false date a most material consideration. For admitting, as we already have, that this Bull is a copy only, and not an original, and that the original might be burnt by the Danes, (and if not then, in the reign of Edward II. when all their Charters and Bulls were burnt,) still, if it professes to be any thing, it must be that it is copied from an original. Is it probable, that an original, coming from such high authority, and going on such a great errand, and subject, no doubt, to the inspection or revision of different officers, would come out with a false date? Or, that if it was copied from an original, that the copyist would not have been exact in the date; seeing that the Ostensio Chartæ or Bullæ was to be a legal instrument of so much consequence?

* Our observations on Sergius's Bull to Camb. University, will be at the end of our second volume.

Previously to the learned Doctor's remark on the date, he quotes at large Bishop Balsham's composition, already alluded to, *sua auctoritate*, settling, as bishop of the diocese, the distinct offices of the University, as well as himself and Archdeacon, in which he says, both of the Chancellor of the University, and the Archdeacon, ut constet utrumque *nobis* immediatè esse *subjectum*. Here the Doctor, in his accustomed mixt strain of wit and seriousness, (in allusion to some of the good bishop's concessions) asks, How durst the Bishop of Ely, notwithstanding the premises, interpose his power in university-matters? Is it not ridiculous for the man to pretend bounty, in bestowing a remnant on him to whom his master had formerly given the whole piece? What bounty was it in this bishop to exempt Cambridge partly from Archdeaconal, which Popes *so long* before had privileged from Episcopal, Jurisdiction?*

These three questions may be replied to, by asking three other questions. Is it not probable, that Hugh de Balsham was the devoted servant to the Pope, and the Apostolical See? Was he not confirmed in the bishopric of Ely by him in direct opposition both to the king, and Archbishop of Canterbury, each of whom had been violent in behalf of another claimant? *Electus* (per priorem et conventum Eliensum) Nov. 1256, sed quia tunc a rege et Bonifacio, Archiepiscopo, cassata erat electio, ad curiam Romanam appellavit, ubi fuit confirmatus prid. non: Octobris ab Alexandro Quarto 1257, a quo etiam fuit consecratus prid. id: Octobris ejusdem anni." *Lib. Eliens. Baker*; as quoted in Richardson's Godwin, notes, p. 256. Is it not, then, probable, that Balsham attached no consequence whatever to the Bull defended by Dr. Fuller?

I think, then, with submission, that Honorius's and Sergius† I.'s Bulls have evident marks of inauthenticity: let us try Pope John's.

* Hist. of the University of Cambridge, p. 25.

† The remarks on the Bull of Pope Sergius I. will be given at the end of Vol. II.

Mr. Parker supposes this Bull—Pro Confirmatione Universitatis Cantabrigiæ—to have been given by Pope * John the Tenth, and, of course, he must further suppose the king, alluded to in it, was Edward the Elder. Now John the Tenth (according to Bellarmine) became pope in 912, and Edward succeeded to the crown of England, A. 901; so that the Confirmation of Privileges to which the Bull alludes, must, in the judgment of Parker, have been *that* ascribed to Edward the Elder, bearing date 915. *But from* what has already been said, it might easily be made appear, that every line in the Bull is at variance with Parker's supposition: it is, however, not necessary to produce proofs; for the Bull itself is in pp. 60, 61, Vol. I. of our Privileges, and in p. 13 of the same it may be seen, that this very Bull was one of Pope John's the Twenty-second, and *that the* Letters Patent of the King, of which the title is *in the same* page, and which are alluded to in the Bull, were Edward the Second's, both being of the date 1318. So that it is *not necessary* to call in Drs. Caius,† and Fuller,‡ both of whom, however, give the Bull to the Pope last mentioned, and the Letters Patent to Edward the Second, with the difference of one year in their dates.§

So much for Mr. Parker's supposition, which proceeds on an error so gross, that readers might suppose it an error of the press, which yet it cannot be, and which shews, how slightly some people examined the subjects, which we are now discussing.

* History and Antiquities of Cambridge, p. 22.

† De Antiq. Cant. l. 1, pp. 80, 81.

‡ Hist. Univ. Camb. p. 29.

§ Caius gives the date 1316, Fuller 1317. As to the difference about the Pope, Caius making him John the Twenty-second, Fuller the Twenty-first, they both mean the same. "Joannes XXI. dict. XXII.—1316." Bellarmine.

With the exception, then, of Parker's supposition, there is no room to doubt the authenticity of this Bull: and I shall go further, and introduce the following flourishing testimony of Dr. Fuller.

" Now let none conceive Cambridge, long since the " mother of many children, now but new-born, herself an " University, from the date of this papal instrument: a mis- " take of many, alleging for the defence of their error, that " otherwise it were ridiculous for our King to request, and " the Pope to confer on Cambridge, what she had already; " adding, moreover, that the phrase de Cætero, *for the time* " to come, implieth, that de Præterito, *for the time past*, " Cambridge was no University. But let such know, that " in this Bull, Cambridge is confessed a place for students, " time out of mind, or (to use the Pope's Latin) *ab olim*, " where olim (a word of indefinite extent) is not made the " measure of the antiquity of Cambridge, but (which is more) " which is only the *terminus a quo*, whence her duration in " her *learned capacity* is dated. This Bull also relateth to " ancient privileges of popes and princes, bestowed upon " her, which are herein corroborated and confirmed."

Dr. Fuller adds, " Know also—that Studium and Uni- " versitas (which words occur in the Bull) are *synony-* " *mous*, though the latter the more fashionable in this " age."

Now, admitting that the word Studium may be sometimes the same as Studium generale, and synonymous with University; as for instance, *Studium Parisiense*, for the University of Paris, in an Instrument of this John's, quoted by Twyne, and *Studium Bononiæ*, quoted by Dufresne, for the University of Bononia; still this is not necessarily its meaning, and it may be interpreted any place for study in general. And the Order preserved in the present Bull seems to require that distinction here. It *had been* a Studium for learned men; the Pope confirms this Studium, and further authorizes it in future to be a Generale Studium.

This interpretation, if admitted, will, without the arguments just advanced, invalidate the authenticity of the former Bulls. It would shew, that whatever privileges other popes or kings granted to this learned body, to which Pope John alludes in this Bull—yet that still it wanted that peculiar grant of pontifical authority, which would bind it more immediately to his interest, by that magical talisman of a word, University: and, consequently, that the former Bulls, in which that *word* occurs are fabrications, and no genuine instruments.

Now, these peculiar institutions, Universities, that is, to borrow Mr. Hobbes's definition of them, "Schools for the "Sciences in general, and especially for Divinity," were first introduced about the time of Charlemagne, in the tenth century, and Mr. Hobbes, who was no more attached to institutions thus formed, than his great friend, Lord *Bacon*, asks, "What other designs was he (the pope) like to have, "but the advancement of his own authority in the countries "where the Universities were erected? There they learned "to dispute for him, and with unintelligible distinctions to "blind men's eyes, whilst they encroached on the *Rights* of "Kings :"* a desperate bold measure, in the eyes *of one*

* *Behemoth.* See also Bacon's "Novum Organon," L. I. Sect. 89, 90. where Bacon considers these subjects at large: speaking of Theology, he says, Quinetiam, ut nunc sunt res, conditio sermonum de naturâ, facta est durior et magis cum periculo, propter Thologorum Summas et Methodos (alluding to Thomas Aquinas's immense volume, the *Summæ*, and similar works,) qui cum Theologicam (satis pro potestate) in ordinem redegerint, et in artis formam effinxerint, hoc insuper effecerunt, ut pugnax et spinosa Aristotelis Philosophia Corpori Religionis, plus quam par erat,—immiscuerunt.——With respect to the sciences, he goes on to observe—Rursus in moribus, et institutis Scholarum, Academiarum, Collegiorum, et similium conventuum, quæ doctorum sedibus, et eruditionis culturæ destinata sunt, omnia progressui Scientiarum adversa inveniuntur.——Notwithstanding what I have said on the origin of Universities, where I have nearly borrowed the words of Mr. Hobbes, I have elsewhere shewn, and with the proper authorities, that the first reference to any public instrument where *University* occurs for Oxford, is 3 John, 1201; for Cambridge, Hen. III. 1223; and, according to Crevier, for Paris, 1209.

who thought that the Rights of Kings absorbed every other right.

But, these considerations notwithstanding, the lawful constitutional rights of our kings continued; and with respect to our Academies, call them by what name we please, for their fundamental grants and present constitutions they rest on the royal authority. The imperium in imperio of a foreign power, is among the prodigiosa naturæ, formed in nature's sport, or in her spite, or in her scorn. This, however, was dissolved by the *order* of Edward III. as above; as, indeed, that order, as we shewed, proceeded on principles properly English, and essentially constitutional, not to be superseded, though suspended, by the assumption of popes, or the concessions of kings. Henry VIII.'s power, though it grew a monster form by the side of the people, yet by the side of the pope it was a creature well-proportioned and fair.

Non illi imperium pelagi, sævumque tridentem,
Sed mihi sorte datum; tenet ille immania saxa,
Vestras, Eune, domus: illâ se jactet in aulâ
Æolus, et clavis ventorum carcere frænet.

VIRG. ÆNEID. L. I. 141.

But of these matters already.

Drawing now to a close, with respect to remarks on Charters and Bulls, I beg leave to subjoin two or three more words on the latter. It is, we admit, then, one of John's (who gave the University one or two more Bulls,) and it is its own letter of recommendation: it is written with pontifical gravity, and in the exercise of a customary claim—the claim for establishing Universities: it exhibits the accustomed formalities of office in its dates, and has no anachronism of style. Universitas is properly used for a literary corporation, (as used in the diplomas of Henry III.;) Collegium Magistrorum et Scholarium is of the same period; and qualibet facultate, by which is evidently meant, the faculties of arts, law, physic,

and divinity, is both in time and place. For this word was used in that sense, nearly about the same period, in the Universities of Paris, of Oxford, and Cambridge. And I make such cursory observations, not without design: for admitting these as marks of authenticity in John XXII.'s Bull, we, at the same time have fresh arguments in proof of the surreptitiousness of the others.

And here an answer may be given to this question, why Clement V. who, in one of his Constitutions, made at *Vienne*, in France, (which may be seen in Wood's Ath. Oxon. *V. I.* p. 156,) mentions Oxford, Paris, Bononia, and Salamanca, does not notice Cambridge? I conceive the proper answer to be, (and more to the point than that given by *Wood*, though what he says has its proper weight,) that Clement had no evidence before him of Cambridge being, in the *pontifical* sense of the word, a Universitas: for Clement V. *was made* pope about the year 1305, and this Constitution was given in 1311: whereas John XXII. who gave the Bull, where Cambridge is confirmed an University, was not pope, as before observed, till 1316. John XXII. too it was, who collected the above Constitutions, and hence we may see why he worded his Bull to Cambridge as he did.

To these closing remarks on Bulls, I subjoin one on the Charters already examined.

There is a Charter then of Edward VI. entitled, *Charta amplissima de Confirmatione omnium Privilegiorum Univ. Cant. ab Antecessoribus concessorum*; beginning,

Edw. Sextus Dei Gratia Ang. Fran.—Inspeximus, &c.—it recounts the Charters upwards, of Edw. IV. Rich. II. Edw. III. Edw. II. Edw. I. Hen. III.; there it stops:—it goes on—Nos autem Cartas et Literas prædictas ac omnia et singula in eisdem contenta rata habentes pro nobis et hæredibus nostris quantum in nobis est, acceptamus et approbamus, ac delectis nobis nunc Cancellario Magistris et Scholaribus Universitatis prædictæ et Successoribus suis rati-

ficamus et confirmamus prout Cartæ et Literæ prædictæ rationabiliter testantur. In cujus rei Test. has Lit. fieri fecimus Patentes. Teste Meipso apud Leyes:

Decimo Septimo Die Januarii Anno Regni Nostri primo.

MELYSENT.

Now as this Carta Amplissima goes over all the Charters from Edward IV. up to Henry III., giving the faithful testimony of an Inspeximus, as to their existence, it follows, that none, prior to that time, did exist; otherwise they would certainly have been produced. Henry III.'s are equally silent.

Having now examined all such of the above papers as appeared surreptitious or doubtful, I incline to pass over such as are authentic, without any reflections, to serve the purposes that may suit the different tastes or inclinations of our readers. Enough, and (in the judgment of some, probably) more than enough, has been said already; yet, not so much as I intended to say. But on some subjects it is better to say too little than too much. And here, on recollection, it appeared, that I was imposing on myself a task that would prove not only tedious, and almost endless, but which would be unnecessary, and, indeed, inexpedient: tedious, on account of the multiplicity and the variety of materials; unnecessary, on account of the use already made of some things, in the History of Cambridge; and inexpedient, on account of the free remarks that I have made on certain subjects, less pleasing to me, elsewhere: particularly inexpedient on the present occasion, as, indeed, in my History, where I felt no desire, and I found it would not be my prudence, to intermingle subjects that might appear heterogeneous, and would divert the attention of my readers too far from our main design; while, at the same time, I was willing to keep true to such particulars as throw light on the History

and Antiquities of Cambridge, or which remove obstructions to them.

And so here end our remarks on certain Bulls and Charters, contained in this Volume:—and we proceed next, to give a short account of the persons, to whom we are indebted for the Collection.

Of Robert Hare, Esq. a short account has already been given in our first volume of the History of Cambridge, though, from the paucity of materials we could find (there being *little* more than a bare mention of his name), it was necessarily very brief; but to what is said (Vol. I. pp. 9, 10, of the Introduction to our History), we may add, that he was a Roman Catholic, of family and fortune, in Norfolk; of Caius College, certainly, as others of his family were; though, being admitted before books of entrance and matriculation were regularly kept, it does not appear of what year.——*He* must be mentioned entirely in reference to his Collections; for of his literary character (though doubtless very respectable) we can form but a slight judgment from transcripts, which all his Collections are.

Those for Camb. University and town, are in four volumes, quarto, with the abbreviations, and letters of the Court hand, and some of the Chancery letters, a hand pretty much in use about the middle of the sixteenth century. He began them at the suggestion of Dr. Capcott, when Vice-Chancellor,* (which was in 1586), and they bear date 1587. So that he was quick in his work. Two copies were taken in 1589; one now possessed by the Vice-Chancellor for the time being, the other by the Public Registrar.—He afterwards proceeded to make Collections of the Privileges of the University of Oxford, beginning with Henry III. The dedication is dated 1592. There are in like manner two copies of

* Tempore Joannis Capcott, S. T. P. tunc Vice-Cancellarii, qui eum ad opus illud summopere incitavit.—*Oxford MS. of Privileges.*

these at Oxford, one in the Bodleian, the other in the *Tower*, where the University archives are kept. The last article in the Oxford book, is dated 8vo. die Febr. Anno decimo octavo Reginæ Elizabethæ. In his Dedication to the University, he announces his intention to present them at some future time with a separate book on other matters; which he accordingly did.

After examinations made of each of the above original volumes, at Cambridge and Oxford, it would be easy to swell this article: but it is unnecessary. All that could be said, must relate to the same subject; and the reader has before him what is most essential concerning Cambridge.

Hare had no remuneration for this work, except the most respectful thanks of the Universities: it appears by the Cambridge letter to him, in full Senate, that it was collected * at his own expence, and written with his own hand. Still, I suspect, he had a powerful motive. A Protestant princess was now on the throne; but the Catholics of that period believed, that the State and Universities of England would be brought back to Popery. I have read a curious manuscript volume written by a Catholic of abilities, where this belief is strongly expressed: "it contaynes certaine notes and adver-" tisements which seeme might be proposed in the first Parlia-" ment and nationall Councell of our Countrie, after God of " his Mercie shall restore it to the Catholick Faith." It goes through each department in Church and State, and treats much at large of Universities. It was written by R. P., and dated 1596, that is, only four years after the date of Mr. Hare's Oxford Privileges.

Now, from Hare's Address prefixed to the Camb. Privileges, he was evidently a zealous Catholic: though written in Elizabeth's reign, it begins in this decided strain:—Ad Honorem et Gloriam Omnipotentis Domini nostri Jesu Christi Salvatoris Mundi, ejusdemq. gloriosæ et beatissimæ Gene-

* This appears also from his own testimony, magno Labore et Sumptu.

tricis Mariæ Virginis, Sanctorumq. omnium cœlestium, &c. To his Alma Mater, then, in her present *lapsed* state, his attachment could not be strong: still he might work under the influence of *principle*, believing, that this offering, presented to her, of *Privileges*, which were her inheritance from the first, would be a memorial and exemplar to her under the "Newe Reformation."—But so much for our respectable Collector.

There is a similar dearth of materials for any biographical sketch of Dr. Francis Sawyer Parris, who transcribed the more essential parts of Hare's Cambridge Priv. making to it the necessary additions, as we have them in the present volume: si igitur, qualis fuerit, quæras, circumspice.

But in addition, we add, (as seen in Vol. I. p. 31, Hist. Cam.) he was Master of Sidney College, Cambridge, a native of Bythorn, Huntingdonshire. He was admitted Pensionarius Minor, Feb. 4, 1720, S.T.B. 1735, S.T.P. 1747; and admitted Master, in 1746.

Dr. Parris was a gentleman of respectability; and his memory is certainly to be respected by the College, for many valuable books presented to the library, and the pecuniary services he rendered it, when engaged in building the new chapel. He was, as we may conclude from this collection, eminently distinguished for his acquaintance with all matters relating to the University, and seems to have found his great pleasure to consist in copying her records, which service he performed several times over; for there are two volumes of them, similar to my copy, possessed by Dr. Ghafy, Master of the College; one volume of the same kind is possessed by the respected Mr. Tyrwhitt, of Jesus College; and by the same chance that I have my copy, there may be those who have others.

They are all copied in a neat clerical hand, without any of Mr. Hare's abbreviations. I am not aware that he published any thing; but we must conclude, from his minute attention, and more than ordinary assiduity over such-like matters as we

now present to our readers, that as Dr. P. was a good scholar in general, so was he more particularly a gentleman of great official punctuality, regularity, and fidelity, both as Master of the College, and as Vice-Chancellor, and public Librarian (which he also was) to the University.

Dr. P. died May 1, 1760, and there is a respectful tribute to his memory on a tablet in the vestibule of Sidney College Chapel.

I now proceed, in order, to say a word or two on the uses to which the present collection may be made subservient: and here I shall be the more brief, because readers can best judge of such matters for themselves; and because, indeed, I have already dropped a few hints on the subject: for, to speak truly, before I prevailed on myself to attempt the Latin Dissertation prefixed to this volume, I had proposed to make the present Dissertation serve that purpose.

So speaking very generally, and with due submission to better judgments, I may be permitted, perhaps, to say, that it may be of value, (as I have before hinted,) in authenticating matters of Cambridge-History; and, in this point of view, it may be a very useful directory and guide, more authentic, certainly, and enlarged, than any we possess. It cannot fail, too, I think, of being useful to University-gentlemen in their several official capacities; nor less so to students, in making them well acquainted with the rites, customs, and duties, appertaining to their several situations. In gentlemen, formerly resident at Cambridge (though now at a distance,) it may awaken remembrances, not unpleasant, of former times, and of controversies, though not to be forgotten, yet now at rest; and if possessed of a fondness for antiquities, it may often assist their inquiries. To some it may be the means of answering doubtful questions on the spot, and, perhaps, of preventing hazardous or tedious altercations, and expensive processes: to others, who have no immediate interest in our Universities, nor any relation to them, (for such institutions must, from their very nature, excite a portion of public

interest,) it may afford amusement, though it were such only as may be excited by curiosity. Nor am I prepared to say, that such a work may not have both a religious and political use. For should the time ever come, (and what has happened may happen again,) that these institutions should be thought susceptible of improvement, it may be useful to have before the eyes a model of the whole building; and I am not aware (I may speak without the suspicion of vanity where I have no share in the execution) that *reformers* and legislators will be able to find a more perfect one than that now before them. But let others judge of this. For myself, as Erasmus used to say, he had not the spirit of a martyr, neither have I, to speak in a humbler tone, that of a reformer; and I have performed all that some sense of duty seemed to impose on me, in printing these materials, whether for information, or for direction—for amusement, or for thought. And at all events, to those who possess my History of Camb., the chronological tables will afford the means of ascertaining *dates*, which form the joints and strength of history.

As to my little zeal about reformation, this has been expressed, not from a belief that some principles are not more favourable to virtue and human happiness than others, or that I am indifferent to them, but through ignorance of the means, and from a deficiency of power. Under such circumstances, feeble, fruitless wishes may be the very hectic of folly; making brick without straw, or fishing in troubled waters without either hook or bait. The wish, however, of many good men I may be permitted to repeat: May nothing ever *rest* on our Universities, that is unfavourable to liberty, which is synonymous with virtue and true happiness!

It is not necessary for an editor to avow his approbation or disapprobation of all the particulars which he ventures to publish: it may suffice that they are a fair representation of facts, and that they elucidate a history which he wishes to authenticate.

It may suffice to have said thus much concerning the utility of these papers. An apology for the publication of them may form no improper conclusion. For though the design of printing them is approved by many gentlemen of the first abilities, learning, and worth, I am not ignorant, that it does not meet with the hearty approbation of others. It has, indeed, been suggested, that the publishing of them is not likely to prove useful and profitable to the editor, from the probability of their being unacceptable to many persons, whom they immediately concern.

Editorship may, it is confessed, in some cases, be its own punishment; and, in the present instance, had I duly calculated the difficulties and mortifications that I was going to expose myself to, I should certainly not have ventured to encounter them. With respect to others, it does not appear to me, why the printing of such papers should be unacceptable, or unfavourable to any one.

The publication was entered upon without any system, and even without any design. All at first intended, was to print a few additions and emendations to the History of the University and Colleges of Cambridge, which it was proposed to present gratuitously to the purchasers of that work: and could this have been effected in a moderate time, within reasonable limits, and at no great expence, nothing further, probably, would have been attempted, or even thought of. But, the sale of the book was too far advanced. For the purposes of booksellers I was too slow in my movements, and too liberal in my labours. So, having plenty of materials, to work I went, determining, at my own hazard, to form them into a regular, extended Supplement to the History, accompanied with the Emendations.

The publication of the Privileges was an afterthought altogether, that sprang up in my mind in an idle moment, while reposing from other lucubrations. But the thought would take its course; till, at length, it wrought a thorough belief, that nothing which I could write, or that was written by others, about Cambridge, could throw such unclouded light, such

full demonstrative testimony, to its history, as the above documents, if duly examined by studious readers. So it was resolved to amalgamate the whole:—thus originated this Farrago Libelli.

And with regard to others, readers will take notice, that there are no Charters or Statutes of particular Colleges: they are of a private concern; many of necessity obsolete, and members, even by some of their statutes, allowed, within certain limits, to let them pass sub silentio; and where no such liberty is expressed, from the flux of time, the changeableness of language and opinion, it must be implied;

> ——— Mortalia facta peribunt,
> Nedum sermonum stet honos, et gratia *vivax*.
>
> Hor.

for the spirit and intention of a founder or benefactor may be preserved, even when his words are obliterated and forgotten; while, in such matters, only Bigotry or Selfishness would intermeddle, who, like freebooters, would confine and fleece the sheep, to obtain the wool. But the liberality of the present times will envy no such liberties; and, on the present occasion, all due deference has been paid to the public opinion:—nor will any thing be found here relating to the properties of Colleges: on such matters, though often with the means of knowledge, the Editor possessed no curiosity:—circumstances these, which, it is hoped, may weaken some objections. But Charters of a University are of a different nature, belonging to the University at large, and, indeed, to the community.

And even these possess many things which are now obsolete and unintelligible; some absurd and ridiculous; others occasional and temporary; with some, which, if illiberal, are happily impracticable. Such things must yield to a limited interpretation, and unavoidable omissions be settled by a Vice-chancellor's dispensing power of absolution.* Should

* Delivered at the end of every Term. Q. Elizabeth's Charter itself (A. R. tertio,) gives a dispensation for all non-usus vel abusus of former Privileges, &c.

this publication indirectly prove, in any measure, the means of checking any grosser practices of immorality or impiety, so much the better; but it cannot revive what is obsolete, perpetuate what was temporary, nor add consequence to what is absurd.

With respect to James I.'s imposition of subscriptions on gentlemen on taking degrees, as noticed p. 347 of this volume, this, it is hoped, will, in time, be abolished; for even by Grace 1613, only Bachelors in Divinity and Doctors in aliquâ Facultate, are required to subscribe, vid. p. 234.

Should a period arrive for revising the state of these our learned bodies, then would be the time for recollecting, that every change has not been improvement; that what may accord with the spirit of the times, may be at variance with the object of the institutions; that bigots and mere politicians, that is, men half informed, and hypocrites, aim only to serve themselves, and their party; that virtue which seeketh not its own, with wisdom that can discern, and religion which can respect, the public good, have not always been the presiding geniuses that directed grave-seeming consultations.

Then, too, would be the time for examining into the truth of Mr. Locke's declaration:—"Absolute liberty, just "and true liberty, equal and impartial liberty, is the thing "we stand in need of. Now, though this has indeed been "much talked of, I doubt it has not been much under-"stood; I am sure, not at all practised, either by our go-"vernment towards the people in general, or by any of the "dissenting parties towards one another."—*Letters on Toleration.*

What has been said of forged Bulls and Charters need startle no one, who recollects, that in the times alluded to, forging was quite common, and indeed had long before extended to coins, medals, seals, and entire histories; the design was not considered gross, nor the execution difficult, nor the discovery to be apprehended: and, though to modern

ears it may sound so dreadful, as to be scarcely credible, that men devoted professedly to religion should fabricate things of this kind, yet certain it is, that the principal manufacturers of them were monks, who thought themselves justified in securing whatever they coveted, and by whatever means they pursued it; nor need it startle us, that some of their pious frauds should have come down to us, nor that learned men should have spent some time in exposing them *. For, as on the one side, the monks had reduced their practices to an art, so, on the other, have rules as regular been laid down by many writers for its detection.

Suffice it here to say of the spurious writings alluded to, at present, that they are now matters of mere curiosity, which do not affect a single custom, a single statute, or a single privilege. For though we have seen, that they are not in the Inspeximus of Edw. VI. which comprehends Charters up to Hen. III., nor in any Charter of Hen. III., (that is, in the *most* ancient) still the Privileges of the University rest secure, independent of them, under the protecting shade of the royal authority of Hen. VIII., Edw. VI., and Queen Eliz.

The Charters and Bulls themselves have been *so repeatedly* published, that they cannot be reckoned among our curiosities, nor need be shrunk from as our arcana; and this consideration renders any apology for the remarks here made on them the less requisite, and all apprehension from the perusal of them quite unnecessary.

* Most authors on the subject of coins and seals have written distinctly the rules for discovering the true from the false; see a list of the writers in Fabricius's Biblioth. Antiq. C. XVI. Heineccius, Mabillon in his De Re Diplomatica, and particularly Dr. Hickes, in his Dissert. Epistolaris, Anderson, in his Diplomata Scotiæ, and Ruddiman, in his Preface to that work, have amply considered the subject, in reference to Charters and Bulls. Dr. James has published (1688) a considerable volume, on the Forgeries of Scripture, Councils, and Fathers; and Fabricius, an entire volume of False Gospels, 1703. Bede, Ingulph, and the monkish writers in general, overflow with forgeries; nor are even our old British and Saxon laws exempt. Vid. Ll. Wallicæ Hoeli Boni, by Wotton, p. 197. Ll. Anglos. by B. Wilkins, p. 196. Sharp's Account of the ancient Division of the English Nation, &c. p. [illegible]

DISSERTATION THE SECOND.

THE preceding Dissertation has lain by the Author a considerable time, after being printed. It has been since reconsidered, and it occurred, that two or three ideas but just opened in it, might be carried to a more proper length, a few things only alluded to, more clearly elucidated, and others, which had been left in purposed obscurity, be expressed in more ample language, and with a less dubious meaning. Thus, the Royal authority in our Colleges and Universities has been spoken of in contradistinction merely to the claims of the Roman Pontiff; whereas it is capable of being, and ought to be, considered in reference to that of the Chancellors, of the local visitors, of the metropolitical visitors, of the Vice-Chancellors, and of the whole academical bodies in full senate.

So again, where mention is made of ignorance of the means of reformation, deficiency of power, and little zeal (see the preceding Dissertation, p. 420); it was not intended to express a doubt as to the Constitutional means and right of reforming these places, should reformation be required; —these following of course, and becoming quite conspicuous, after considering the nature and extent of the Visitatorial power—nor a slight conviction as to some things which would admit of, and which do absolutely require, reformation; but rather, the difficulties, the obstructions, and perplexities, which, from a variety of causes, lie in the way. The language, therefore, was that of caution and candour, and something of modest deference, rather than of transient observation, slight conviction, or a lukewarm indifference.

Further, as our observations related to Cambridge, they might be expected to be illustrated by examples drawn from the History of that University: nor will it be necessary often to refer back again to them. But the remarks are, in part, applicable to Oxford; and what follow will be derived prin-

cipally from the History of that place; partly, for the sake of variety, and partly, of a remarkable case, which will be introduced, and with which they will be in some measure connected.

We shall find, then, in the History of Oxford, the King acting—in opposition to the Pope; as in the Brief* of Edward I., confirmed by a Parliament assembled at York, against the Preaching Friars, and in defiance of Popish Bulls; and in the Order† of Edward III. confirmed likewise by Parliament, commanding the Friars to renounce and suspend the execution of the Pope's Bulls:—in opposition to the Vice-Chancellor (who was the Ordinary), with his Proctors, as when by 49 Edward III. the King abrogated Statutes, made by the Chancellor, Proctors, and Heads of the University, who were cited before him, and removed for contumacy, though they pleaded the Pope's Bulls, A. 1411;—in opposition to the Archbishop of Canterbury, who was *alterius orbis Papa*, the *Legatus Renatus;* as when Hen. III. on going to Gascoigne, appointed Gualter Gray, Archbishop of York, Will. de Cantalupe, and William de Eboroco, guardians of the University, to receive *complaints* during his absence, though the Archbishop of Canterbury and Bishop of Lincoln had the government of it, according to the Canons: and, in short, from the whole tenour of Oxford privileges, those granted by Hen. III. 1255, and by his successors, Edw. I. 1275, Edw. II. 1315, Edw. III. 1327, (when, after an Inspeximus, he confirmed those privileges) down to Hen. VIII. we may adduce the same conclusion.

Agreeably, too, to this character, Edw. III. abrogated some of their Statutes, and it was the intention of Hen. V. according to Ross‡, had he lived, to have introduced some

* Ayliffe's Hist. of Oxford, Vol. II. p. 19, 20.

† Ibid. p. 22.

‡ Iste Rex Henricus, si vixerat, proposuit in Castro Oxoniæ nobile fundasse Collegium, in quo septem scientiæ profunde laborarentur, et ad alio-

literary improvements at Oxford:—from these several circumstances, we learn what ideas prevailed in those early times of the royal power, as supreme in this University; and the extent of that supremacy, as exercised in both Universities in a later period, we are taught by what passed at the Reformation.

It should, however, be observed, that by the word *King*, in the preceding examples, I do not mean the man *natural*, nor the man merely *regal*, or *tyrannical*, but the man *political*, according to old Chancellor Fortescue's wise and correct distinction; Principatu namq. nedum *Regali*, sed *politico*, ipse suo populo dominatur: Si regali tantum ipse præesset eis, Leges regni sui mutare ille posset:—yet, at the same time, Non minoris esse potestatis Regem *politicè* imperantem, quam *qui ut vult*, regaliter regit populum suum *. In short, by the King, the *Rex* NON REGALITER *regnans*, sed *politice*, I must be understood to mean a King, who rules by the laws, and is *incorporated* into them, by which

rum doctrinam abunde docerentur. Hanc Ordinationem dum puer eram, in Scriptis Oxoniæ vidi, sed quia tum eram minoris Ætatis, quæ vidi non diu memoriter tenui. Hist. Reg. Angliæ, p. 208, as edited by Hearne in Vol. X. of Leland's Itinerary. It has been said, by a certain writer, that Ross observes, Henry (9 Hen. V. as referred to by him) intended to alter the Statutes: but Ross does not directly assert this, and I suspect he was mistaken in what he does assert: had there been any such record of the date mentioned, and as having been seen by him when a boy, it is not likely it would have escaped the researches of the Oxford historians. Anthony Wood, however, asserts, Hist. Antiq. Univ. Oxon. Lib. I, p. 209, hastily, I think, if on the authority of Ross, that Hen. V. *intended* to have *amended the Statutes*. As to Ross, he speaks memoriter from what he saw when a boy, without it may be fairly presumed reading, or reading probably the title hastily: there is a large charter, confirmans Antiqua Privilegia, of the date of 1 Hen. V. that may be seen in the Appendix, Vol. II. of Ayliffe's History of Oxford; but I know of none of the former date, 9 Hen. V. It is a long recapitulation and confirmation of privileges, and alludes to some design, "super poenis pro securiori conservatione ipsius Universitatis," &c. which is what, I suppose, Mr. Wood alludes to.

* De Laudibus Ll. Angliæ, cap. 9, 11.

incorporation, his Acts (meaning always his legal acts) become the Acts of the Parliament, or of the Supreme Government; that is, an English King.

Thus, the above Acts of the King, being either confirmed and passed by Parliament, or issuing from a branch of the kingly power acknowledged by it, are to be considered not as acts simply regal, but political and parliamentary—the King's Brief (12 Edw. II.), confirming all the former Oxford Charters, running thus—Rex, &c. coram nobis in concilio nostro in præsenti Parliamento nostro apud Ebor. convocato, &c.—and I studiously and purposely mark these distinctions, because certain Oxford writers, in order to invest our Kings with a power simply regal or tyrannical, have not. Thus one of them frankly, but foolishly, enough; "And here you may please to consider, that the Foundation of the University being the King's and his predecessors' *personal act;* his interest lies not within the reach of that beaten evasion of a *public* or *politic* capacity*."

The remarkable case at Oxford, alluded to at the beginning of this Dissertation, was the interference of the royal authority in matters of academical œconomy, by the appointment of a President of Magdalen College. It occurred long after the Reformation, when the extent of the royal power in our Universities was more fully exemplified than will be now justified, viz. in James II.'s reign, 1687. It will be observed, however, that the proceedings relate to a private College; but they were of such public notoriety,

* *The Privileges of the University in point of Visitation.* 1647. It is without a name, but was written by Dr. Gerard Langbaine, and is understood to have expressed the sentiments of the University at that time, when the Parliament was about making a Visitation of it.

The doctrine, which makes no distinction in natural, regal, and political authority, was more amply laid down in a later period by Sir Robert Filmer, in his Patriarcha: and Mr. Locke, in his confutation of it, has maintained, and fully established, the distinctions laid down by Fortescue. See Locke's Two Treatises on Government; particularly, Treat. 1, ch. ix. and Treat. 2, ch. xv.

they occasioned so much discussion, and, particularly, they led to so thorough an examination of the principles on which the Visitatorial authority of the King over our Universities in general is founded, that I have selected the case in preference to any other example. The period when it occurred was, it must be confessed, a most critical one, viz. between the Reformation, when, with a short interval, prerogative was stretched to it's utmost pitch, and the Revolution, when it was confined within more reasonable, constitutional limits. The case, then, was as follows.

On the death of Dr. Clarke, President of Magdalen College, the King granted a *mandate*, recommending Anthony Farmer, A. M. into his place, *any statute, custom, or constitution, to the contrary, in any wise notwithstanding*, wherewith *the King was pleased to* DISPENSE *in his behalf*. The President and all the Fellows petitioned against this dispensation, Mr. Farmer being, in their judgment, unqualified, according to the Founder's Statutes, for the office. The petition was endorsed April 10, 1687. About the same time, the Bishop of Winchester, the *local visitor*, wrote a Letter to the Lord President, stating to him, that the appointment of Mr. Farmer would be *contrary to the Statutes* of the College, and to the oaths taken by the Fellows; and (the Vice-President and Fellows having elected Dr. Hough, afterwards Bishop of Worcester) the Visitor admitted him to the presidency. The College at the same time presented an address to the Duke of Ormond, stating to him the words of their oath, and that, in compliance with it, they could not choose Mr. F., *an unqualified person*; that being forced by their Statutes to proceed to the election within a limited time, they had chosen a loyal person, Dr. Hough, whom they accounted statutably qualified for the place; entreating, at the same time, his Grace to interfere with his Majesty on their behalf. In the case of the Vice-President and Fellows, as stated by them, among other particulars, they represented, that there was an express clause in their

oath, taken by every Fellow on his admission, wherein he swears, neither to procure, accept, nor make use of, any dispensation from his oath.

The King was most strenuous in this business, and appeared personally at Oxford; but the Vice-President and Fellows, abiding by the dictates of their consciences, would not elect Farmer.

The King, on hearing what had passed, ordered the Lords *Commissioners for Ecclesiastical Causes* to proceed against them; when the Vice-President, with certain of the Fellows deputed, gave in their reasons, which have already been stated, why they could not choose Mr. Farmer *for their* President; to which statement they subjoined the statutes for regulating the election of a president, together with the oath taken by them when made Fellows. The Commissioners, however, declared the election of Dr. Hough set aside, and after removing him from the Presidency, summoned the Fellows to appear before them in the Council-Chamber at Whitehall, to answer for *contempt*.

It appears that Farmer, besides his other disqualifications, was an immoral man. So the King, still *asserting his prerogative*, together with his claim of dispensation, granted another mandamus, to admit the Bishop of Oxford to the office: but, in answer to the Lord President's Letter, it was replied, that the place was filled; that Dr. Hough had been elected: but, in another Letter to his Lordship, the Fellows said, that if the King thought proper *by his own proper authority* to constitute the Bishop of Oxford President, they would readily acknowledge and obey him; but begged to be excused *choosing* him, which they could not do without violating their oaths.

As the King and his party were most strenuous on their side, the Vice-President and Fellows were no less decided on theirs; and, eventually, did not only not *choose* the Bishop of Oxford, but thought themselves justified in not *admitting* him, when nominated in the King's mandate.

To cut the matter short, Royal Commissioners were at length appointed, who met at Magdalen College-Hall—the Bishop of Oxford was confirmed and settled in the Presidency, and the Vice-President, with all the Fellows, one or two excepted, who were more complying, were ejected, for disobeying the King's mandate, and, further, for what was called *contempt*.

The conduct of James kindled, as might have been expected, a violent flame through the nation at large, as well as in the University; and various publications were issued on the subject *. On the one hand, those who were alarmed at the King's Popish principles, and abhorred his political measures, (such as afterwards hailed the Revolution, as the great national deliverance) examining the proceedings by the principles of the common law, by the Statutes of the College, and the nature and obligation of an oath, considered the Fellows as the advocates of liberty, and martyrs to their principles. On the other, those who defended the King's cause, considered them as rebellious, pleading the King's right to set aside statutes, to dispense with oaths, by arguments taken principally from the civil and ecclesiastical law.

As the above case is particular, referring to a private college, it does not, agreeably to what was intimated above †,

* There was published "An Impartial Account of the illegal Proceedings against St. Mary Magdalen College, Oxford, in the Year of our Lord 1687;" and in 1689 it was enlarged, and republished, as collected by a Fellow of the Society, after the return of the Fellows at the Revolution. A much larger work, called also an Impartial Relation of the late Visitation, was published in 1688, by Dr. Nathaniel Johnston, at the command of his Majesty. The principal difference in the accounts of these two parties concerns the Examination relating to Mr. Farmer's immoralities, which is given at large in the Fellow's Account, but suppressed in Dr. Johnston's. There was also published in 1686 a Vindication of his Majesty's Ministers, in respect to these proceedings. This Vindication also appears to have been published by authority.

† See the first DISSERTATION, p. 422.

fall properly within the limits of our inquiry. It has, however, been stated here, because the perusal of it may lead to a more general topic, the nature and extent of the King's authority, as the supreme visitor of our Universities, for the purpose of redressing grievances and reforming abuses. For though, as we shall see, and indeed has been seen already, our University Courts proceed on the principles of the Civil Law, according to which quod Regi placuit, Legis habet vigorem, yet they are not properly ecclesiastical courts: the power of dispensing with oaths, of setting aside laws, and of creating at pleasure new commissions, on which our Tudors and our Stuarts so confidently acted, was derived from the practice of the Papacy, countenanced indeed by the spirit of the Civil Law, but is not agreeable to those of our Common Law, and of the ancient, and happily for us, the present constitutional character of a King of England *. Cases there are, where promises cannot be fulfilled, do what we may, and where even oaths must give way; but at what time, and under what circumstances, is one of the nicest points in morals and religion; certainly not at random, from any motives of interest, or convenience, or fear, or at the will and command of a monarch. Here conscience only can guide. With respect to the Fellows of Magdalen, it must be observed, that theirs was not the situation of persons violating statutes, where there might lie an appeal from the local Visitor to the King, as supreme Visitor, but of men abiding by their statutes, and justified by the proper interpreter of them, their local Visitor: nor again, was the King in the situation of one (with his Parliament) coolly altering statutes, and new-modelling an academical body, according to any supposed system of reformation, or in accommodation to any new plan of government,

* Sed non sic Angliæ Statuta oriri possunt, dum nedum principis Voluntate, sed et totius regni assensu, ipsa conduntur, quo populi læsuram illa efficere nequeunt, vel non eorum commodum procurare. Fortescue de Laudibus Ll. Angliæ, cap. 18.

settled by the Legislature; but in that of one acting in the spirit of an autocrat, proclaiming regaliter, sic volo, sic statuo: stet pro ratione voluntas; for it does not appear, that in issuing his extraordinary mandate, the King assigned any reason—the ecclesiastical and other commissioners, though not without forms, proceeding in the most summary way—nor did the Bishop of Chester *, one of them, once intimate, that the Fellows in the particular instance of non-compliance with his Majesty's pleasure, had broken a single statute;—but, rather, " that they had opposed his Majesty's " will and pleasure, who had required them to admit the " Bishop of Oxford into the place of President, any sta- " tutes, custom, or Constitution to the contrary notwith- " standing, with which he was graciously pleased to dis- " pense, and to which he expected their ready obedience." So that most readily do I agree with one of the learned Counsel, in the case of a late memorable appeal †, who, in alluding to this example, justly observes, " that no act of the despotic monarchs of the House of Stuart was more odious, or more hostile to the spirit of English laws and English freedom, than that of the interference of James II. in the transactions relating to Magdalen College, Oxford:" and among the friends to the Revolution, there can exist now little diversity of opinion on the subject; it being " declared in the Bill of Rights by the Lords spiritual and

* The Bishop of Chester, towards the close of these proceedings, addressed the Fellows in two long High-Church speeches.

† Report of the Proceedings on the Case of an Appeal preferred by the Provost and Scholars of King's College, Cambridge, against the Provost and Fellows of Eton. By Philip Williams, Esq. 1816.

The Appeal itself, as preferred A. D. 1814, and the Answer, have been published by another gentleman, with Remarks on Mr. Williams's Report of the Pleadings, the latter being, according to the writer, defective in some facts and arguments, which though, as a legal case, they might be considered irrelevant, are by him viewed as interesting to those more immediately concerned, viz. such as are any ways connected with those two Societies.

temporal, and Commons assembled in a full and free representation of this nation, that the pretended power of suspending of laws, or the execution of laws by regal authority, without consent of Parliament, is illegal; and, that no declarations, judgments, doings, or proceedings, to the prejudice of the people in any of the said premises, ought in any ways to be drawn hereafter into consequence or example, the power of dispensing with laws, or the execution of laws, as exercised of late, being illegal."

It may be observed, that as there are instances where bad laws may be over-ruled, to the public benefit, so are there others, in which such as are good may be misapplied; and what, if rightly and legally administered, might remove disease, by a perverted use, may operate as poison, and produce instant death. And with these remarks, we proceed to consider the grounds and reasons of the King's or Queen's Supreme Visitatorial authority in our Universities.

It will be recollected, that as single Colleges are Corporations, so is the aggregate of Colleges one great Corporation; and in the same sense, in which the King is supreme in ecclesiastical matters, and the Fons Potestatis of *all* civil executive authority under Parliament, so is he supreme over all corporations. Colleges and Universities, like other corporate bodies, are supposed to originate in him*; for,

* Judge Blackstone, who has written so well on the subject of Corporations, divides them into *Ecclesiastical* and *Lay;* and he subdivides *Lay* into *Civil* and *Eleemosynary*. Universities and Colleges are equally alike, and distinctly, Corporations: but he ranks Universities under Civil Corporations—"The rewards," says he, "there being, *pro opera et labore*, not charitable donations only, since every stipend is preceded by service and duty." Colleges he ranks among Eleemosynary Corporations, "being," he adds, "founded for two purposes—1. for the promotion of piety and learning by proper regulations and ordinances—2. for imparting assistance to the members of those bodies." His distinction appears correct and true: but as well Colleges as Universities he considers, *strictly* speaking, Lay Corporations, "although they, in some things, partake of the nature, privileges, and restrictions of ecclesiastical bodies." Comment. on the Laws of England,

though founders and benefactors may endow them with lands and other property, though they may make statutes, or cause them to be made by their heirs and successors, or local Visitors, still, by whomsoever such property is bestowed, and such statutes are given, the grant is derived from him: the royal charter is what constitutes them Corporations: and all their rights of mortmain, and all their privileges, are derived from the sanction of the Prince acting with, and as, the supreme authority: and, as a Royal Charter of a University gives the Privileges of a Corporation, so does the receiving of Privileges imply an acknowledgment of a supreme Power;—and accordingly, in all matters of appeal, however they may have been doubted, or disputed, in their first stages, in our Universities, the final appeal was to that. This authority, too, is constantly perceived and felt in the ordinary language and regular œconomy of the place, particularly in the Royal Mandates for degrees—the most prominent part of academical discipline—it is from the beginning acknowledged in all ancient instruments, and on great occasions it may be called forth with a powerful energy, and to a great extent; abolishing old statutes, giving new regulations, superseding ancient customs, prescribing the order of literary pursuits, and, in short, new creating the whole face of things.

B. 1. ch. 18. Of Corporations, in general, he observes, "With us in England, the King's consent is absolutely necessary to the erection of any Corporation, either implicitly or expressly given: his implied consent is found in those Corporations which exist by the force of the Common Law, to which our former Kings are supposed to have given their consent; Common Law being nothing more than custom arising from the universal agreement of the whole community;" and the remark which follows is to be considered as in immediate connexion with the above passage, and is to be expounded by it; for, after observing, "that (till of late years) most of those statutes, which are usually cited as having created Corporations, do either confirm such as have been before created by the King; or, that they permit the King to erect a Corporation in *futuro* with such and such powers, he adds, so that the immediate creative act was usually performed by the King, in virtue of his royal prerogative.

This supreme authority over our Universities has, I apprehend, a threefold support; 1. in our Common Law; 2. in the Civil Law; 3. in the Ecclesiastical Law.

1. With respect to the Common Law. It has been elsewhere made appear, that the word University was used, in ancient times, for bodies corporate, before it was applied to institutions for the liberal sciences. It may be added, that in our common-law writers it was synonymous with Corporations;—thus Bracton *: "Si Rex concesserit alicui Universitati, sicut Civibus et Burgensibus." Universities are, therefore, what Sir Edward Coke calls all corporate societies in general, "Creatures of the *Crown*," by which he means what Fortescue intends by a *Politico-Regal King*, such as is owned by the common law of England; and Coke maintains of Corporations, they are made legal four ways—1st, by Common Law, as by the King himself; 2dly, by authority of Parliament: 3dly, by the King's Charter; 4thly, by Prescription. Now these are all in reality by Common Law; for what is done by Act of Parliament becomes the law of the land, and must have had the royal sanction; and what stands on prescription, supposes a previous grant, though it may be lost.

Those who suppose that all the Royal Charters of Privileges, prior to the time of King Stephen, are genuine, must allow them to have been granted in the proper character of a King of England, under the shadow of the Common Law; for, till the time of that Prince the Civil Law was not admitted here: and, though I have defended the contrary opinion, viz. that most are spurious till the time of Hen. III. it does not follow † that I suppose no privileges

* Lib. II. fo. 6, 6. Coke, 10 Rep. 29.

† Though perhaps more than enough has already been said on the internal evidence of the inauthenticity of some of our early charters, yet on the external I beg leave to subjoin a few more particulars, in confirmation of what has been advanced.

It has been shewn to be highly probable, not to say certain, that the old-

were given before that period: on the contrary, as our law courts would suppose, so I am willing to suppose, that

est Charter extant of Cambridge-University is of the reign of Hen. III. that of Oxford is referred to sometimes, as being of the same reign, A. 1248. In *Tur. Scholarum.* See Ayliffe's Hist. of Oxford; though I have perused an instrument of an earlier date in the same place, viz. 3 Joannis, A. 1201. See Sup. to the University of Cambridge, p. 153.

Whatever privileges then these places enjoyed, and whatever were the means of conveying them, it is highly probable, that no such Charters, genuine, at least, as those which have been brought forward, should be in existence *before* the time just mentioned, and for these *additional* reasons.

Near this time (viz. under K. John) a reform took place in keeping such public instruments and Charters as passed the King's seal: till that time, they had not been kept separate and distinct, so as to remain on record according to the method afterwards observed; the reason and grounds for which may be seen in the *Introduction* (p. 10, 11, &c.) to Sir Josiah Ayloffe's Calendar of the *Ancient Charters*, in the Tower of London. This practice was uniformly followed afterwards, and in executing it a regard was had to authentic Charters of preceding reigns, that such records might be referred to in evidence of the people's rights, and be rendered accesible to the King's subjects. Among the Chartæ Antiquæ (the most ancient that we possess), there are extracts from Charters of our ancient kings, before the time of K. John. See Mr. Jones's Index to the Records, p. 20; and though the Charters of the town (given by K. John) are there, no Charter of the University before Hen. III. has been found in the Exchequer or the Tower.

Many other public instruments begin in the reigns of Hen. III. Edw. I. II. III. at which period I suppose that our first Cambridge-University Charters begin. Thus the Placita Coronæ, the *Memoranda* and *Originalia* of the King's Exchequer do not commence till 1 Hen. III. though the method of making Estreats from Charters, Patents, &c. was observed before; and the most ancient *Inquisitiones post mortem*, remaining in the Tower, are of the reign of Hen. III. The most ancient *Statute Roll* in the Tower begins with the Statute of Glocester, 6 Edw. I. The most ancient Assay Roll of the Mint is referred to the reign of Edw. I. The *Inquisitiones ad quod Dammum* are of the date 1 Edw. II. See *Ayloffe's Introduction to Chartæ Antiquæ*, as before. So again, the first writ for summonsing Parliament was 49 Hen. III. See Dugdale's "Perfect Copy of all Summonses of the Nobility to the Great Councils and Parliaments of the Realme, from the 49th of Hen. III." and Alsynge's "Manner of holding Parliaments in England." All these ideas are favourable to the opinion, that the Charters introduced into our Histories of Cambridge before the reign of Hen. III. are not genuine.

where a corporation exists, acknowledged in the *confirmation of privileges* and posterior *Grants*, of successive Kings,

I lay but little stress on what is advanced by some, (and even in favour of the authenticity of our old Charters) that the *original* Charters, for which they contend, were burnt by the townsmen in the riots of Edw. II.'s reign; for it should seem that the Charters then burnt were only those very Charters given by Edw. II. himself; for thus 5 Rich. II. reads—Chartas aliasq. literas Patentes et Privilegia *Sub Sigillo Regis, qui* NUNC *est*, consignata, ac dictæ Universitati concessa—*Quas Cartas*, &c. dicti Major, Baillivi, &c. in Foro dictæ Villæ violenter cremaverunt. The King accordingly, 7 Rich. II. gave them other Charters, and those very Charters, together with these up to Hen. III. are among the *Rot. Cartarum* in the Tower; none higher: so that I must be allowed to abide by the opinion, that we have no authentic Royal Charter, which concerns Cambridge, beyond the reign of Hen. III. It is a circumstance, highly honourable to this present reign (of Geo. III.) that, under the direction of the late Speaker of the House of Commons and his Secretary, Mr. Rickman, now one of the Clerks of the House, the public records of this country have been brought into excellent order, for they had been for some time in great confusion. See "The Reports from the Select Committee appointed to inquire into the State of the Public Records of the Kingdom, ordered to be printed by the House of Commons 4 July, 1800, and subsequent Years." The gentleman who was employed on the Records of the Tower is also joint editor of the *Magna Britannia*. I thought it, therefore, a proper time, and that Mr. Lysons was the proper person to ask, whether, after the new arrangement of the Records in the Tower, he had been able to find any Charter relating to Cambridge University higher than the reign of Hen. III.? He replied by asking, "Do you think if I could, I should not have given it in my *Magna Britannia*?"

I lay no great stress on the silence of some very early, but less general, Charters on the names of the Royal Granters of Charters, who preceded them, as being sometimes written in general language, Regibus Angliæ, Antecessoribus Nostris, &c. nor on the silence of any more general Charter—though indeed the former sometimes announce their names, and the latter, if not always, commonly, do—Thus, in more ancient times, those of Rich. II. refer to those of the Edwards and Henrys; that of the 1 Hen. V. (Oxford Chart.) runs over the Grants, and the names of the Royal Grantors, up to Hen. III. as we have shewn Edw. VI. does in his *ample* Charter to Cambridge. That of Hen. VI. A. Regni sui 37 (Cambridge Privileges) refers to Rich. II.'s Charter: so, in regard to the ample Charter (A. 1610, 2 Hen. VIII. Oxford, the King refers to that of Edw. IV. and others: and Edw. VI. to Charter, A. 1523, 14 Hen VIII. and the Charter of Incorporation of the Colleges and Universities of Oxford and Cambridge, 13 Eliz. chap. 29, refers, in like manner, to those of Hen. VIII. The same practice was fol-

that there must have existed some prior Grant, by which it was at first constituted a body corporate, (which is what is

lowed in some Oxford genuine Popish Bulls, as in Pope Sixtus IVth's (Wood's Antiq. Oxon. Lib. I. p. 230,) and, for obvious reasons, would be in the confirmation of the supposed Cambridge ones of Sergius and Honorius; and this seems to have been the rule with respect to other corporations, as with the Cinque Ports. Thus King John, in a Charter to Dover, refers to privileges formerly granted; and Edw. I. who also gave Dover a Charter, says, he had seen Charters given by his grandfather, Hen. by John and Will. I. and Edw. the Confessor. See the History of the Town of Dover, Vol. I. By the Rev. Mr. Lyon.

Now, that from the time of Queen Elizabeth up to Hen. III. the name of any royal Grantor, prior to the reign of the latter Prince, should not *once* have occurred, nor that Hen. III. himself, though he gave several Charters, should not *once* have mentioned the *name* of any one of those his Royal Predecessors, who gave the specific Charters, here supposed (without entering on their *internal* evidence), is surely a very strong presumption against their authenticity, far more strong than all the testimonies united that can be produced by Cambridge Antiquaries, to prove them genuine.

One concluding remark on these Charters, which, I beg leave to add, arises from the testimonies of Mr. Prynne and Mr. Madox's History of the Exchequer, as referred to in the Introduction to Sir Joseph Ayloffe's Calendar of the Char. Antiq. which is, that many of our records were destroyed during the wars between the King and Barons, in the reigns of K. John and Hen. III. and of the Houses of York and Lancaster, and many in those between the Empress Maud and King Stephen; so that, to say nothing of damps, mildews, dust, and negligence, those acknowledged destroyers of old writings, it may be presumed, *a similar fate befell many other of our national muniments*, which must have passed under the Great Seals of our princes, and been preserved in the Records of the Chancery. We may therefore consider the silence of Hen. III. in *all* his Charters, as external proof, that no Charters of the University of Cambridge had at that time any *legal* existence at least; and from the internal evidence on the Charters in question, according to the rules laid down for examination by the learned Dr. Hickes in his *Dissertatio Epistolaris*, it is most probable, that they had no existence at all.

On our Popish Bulls I shall make no further observations, except in the way of adding Mr. Prynne's name to the list of those who thought them spurious; and as an inquirer into ancient records, no man was more indefatigable than Mr. Prynne, as a public Visitor to the University of Oxford, appointed such by Parliament, no one more interested in being correct, and as an honest man, no one more prepared to speak according to evidence. Mr. Prynne furnishes us with no reasons for his opinion, but reasons un-

meant by prescription) though the original cannot be produced, and though the Charters in being may not be the

doubtedly he possessed, which fully satisfied his own mind. In his Treatise, entitled, " The University of Oxford's Plea refuted, or a full Answer to a late printed Paper, entitled, *the Privileges of the University of Oxford in point of Visitation*, having occasion to allude in his text to the Bulls of Sergius and Honorius, he puts in his margin some such words as these; (I have not now the book at hand), " These Bulls of Sergius and Honorius are Bulls indeed!"

This attempt, in connexion with what has been said elsewhere, to remove a little rubbish and verbiage from the early part of our Cambridge-History, will, it is hoped, be compensated by the light thrown on the periods immediately following; the reigns of Hen. III. of the three Edwards, and Rich. II. For it will be found, that our academical Records, during those periods, possess, in proportion to the nature of the subject, and for an historical detail of our Academical Republic, many advantages even superior to some of our National Records for the purpose of a public narrative; as will appear by stating a few particulars.

Neither The *Articuli super chartas*, the great Charter of King John, nor that of K. Henry, are now to be found on any known Rolls of those princes; this, however, is only mentioned as a remarkable circumstance, for though not on any extant Roll, they are in existence. But, of the National Records of the reigns of Hen. III. the three Edwards, and Rich. II. many are much mutilated, and some are absolutely lost. Thus, though according to Elsynge (Manner of holding Parliaments in England) and Dugdale, (Perfect Copy of Summonses, &c.) the *Writs of Summons* and *Returns to Parliament* began at the 49th year of Hen. III. yet the oldest Rolls of Parliament now in existence are those of three Parliaments in the reign of Edw. I. and the Rolls from that period to the reign of Edw. III. are also lost. *Introduction to Ayloffe's Calender to Ancient Charters.*

Elsynge (Ch. viii. p. 262) commences his Account of Receivers and Triers of Petitions, with the Parliament, 6 Edw. III. and the first Bundle of Petitions, with Judgments on them, now in the Tower of London, are, 1 Ric. II., though the practice of presenting petitions to Parliament is known to be of a much more ancient date. Hence it has happened, that some doubts have remained as to the ancient formalities on the subject of petitions.

Even the Placita Parliamentaria, preserved in the Tower, do not begin till Edw. IId's reign; and of those of an earlier date, in the Chapter-House of Westminster, some are very defective.

Various other defects, mutilations, and losses, will be found in the Public Records, during the same period, which are pointed out by inquirers into our National Muniments; and, yet it was during that period that great

genuine ones: and on this supposition, as in the former case, Royal Grants must have been grounded in the Common Law, for the reason already assigned.

In the 13th year of Elizabeth's reign passed that memorable Act, concerning the several Incorporations of Oxford and Cambridge *, and the confirmation of their Charters, Liberties, and Privileges. Many of their old Charters and Privileges, by acts subsequent to them, had been annulled; and this is the act on which the Privileges now entirely rest, being placed under the shadow and protection of the Common Law. For, though we know that some acts of Parliament, particularly in those arbitrary reigns, were but little according to the genius of the Common Law, being expressive merely of the will of the prince, yet all parliamentary acts, in becoming the law of the land, are presumed to be agreeable to the Common Law, and if they are not, there is a dereliction of the rule presumed †: besides, Henry and attention had been paid to them, and not continued from the death of Edw. III. till the full establishment of the Reformation.

On the other hand, our academical Records, during the same period, if Mr. Hare has been a faithful copyist, (and his faithfulness I have never heard questioned) are preserved in perspicuity, and possess authority; not interrupted by losses, perplexed with omissions, nor metamorphosed by additions and transmutations: they are brought out of their masses of general confusion; and are regular, clear, and well arranged. The matter of some may, at the time, have occasioned altercations; the meaning of others may since have admitted of disputes; and in the present times, the quality of others may be liable to objections: still the limits are fixed and known; the facts are in a tangible shape; and the chronologies are adapted to the purposes of genuine history.

* 13 Eliz. chap. 29.

† Mr. Hooker well understood, and in his famous 1st Book of Ecclesiastical Polity, particularly in Section the 10th, well-followed, the Elements and Principles of our Common Law, as would appear on comparing them with the "Abusion de la Common Ley, Ch. v. Sect. 1. of *la Mirroir des Justices.*" He well knew, "that to command whole societies of men belongeth properly unto the same entire societies," and "that laws are not therefore, which public approbation hath not made so—either in their assent by voice, sign, or from others doing it in their names by a right origi-

Elizabeth, in claiming the supremacy in church and state, were thought to act only in conformity to the ancient rights of the Kings of England, and to the high rank which they held, as Guardians of all Corporations, whether ecclesiastical or lay, eleemosynary or civil, and with respect to Colleges and Universities, more especially, as the high supreme Visitors for adapting these foundations to their new establishments. And all this was accounted to be according to the genius of the Common Law of England.

The advocates, then, of the royal cause in * asserting the supremacy, did at the time, as they have since, strenuously reason, not only from the Old and New Testament, and the Practice of the Primitive Church †, but particularly from the consideration, that, from *time immemorial*, the kings of England had exercised authority in ecclesiastical affairs; that is, they argued from ancient usage, which is the same as Common Law ‡; and if our Universities are rightly viewed as Royal Corporations, the reasonings of those writers will ap-

nally derived from them;" in short, that there is "no complete lawful power, but by consent of men."

These Elements and Principles, however, do not so well hang together in his application of them in some other of his Books of Ecclesiastical Polity, though much better than those of Bishop Warburton on the same subject: but these excellent ideas fully possessed Hooker's mind, and, therefore, knowing, that what concerns a nation, should have a nation's consent, he says, Book the 8th, in reference to the National Church and the Supremacy, "That our laws made concerning religion, do take, originally, their essence from the power *of the whole Realm, and Church of England.*"

* Bishop Fox (in the time of Hen. VIII.) de Distinctione inter Regalem et Pontificalem Jurisdictionem:—Hooker, in a later period, vindicated Queen Elizabeth's supremacy, in part, on the same principles. Book the 8th.

† Bishop Burnet's Hist. of the Reformation, Book the 1st, on the King's Supremacy, and Sir William Twisden's Examination of the Jurisdiction of the Kings of England, together with Dr. (afterward Abp.) Wake's Authority of Christian Princes over their Ecclesiastical Synods Asserted, ch. 4.

‡ Hence, in that ancient work, entitled, La Somme appelle *Mirroir des Justices*, "*Rules de droit, ancientes Usages, saints Usages accordant a les Rules*, and *Common Droit*," are synonymous expressions.

ply here. For the Crown, on these principles, had the power and the right, at first, to give them, as Corporations, Charters; and if so, on a proper occasion, to grant new ones, to cancel ancient Statutes, and to direct others to be made more congenial to modern manners, and any new order of things; though, in admitting this, we may not be able to approve and justify all that was done by our princes; all the works of man reminding us of his fallibility and imperfection, and rarely allowing of unmixed praise—nor is it called for or necessary here; for, while the work here alluded to was proceeding in the principles of the Common Law, another great machine was set in motion, which seemed to work the same way, and, though with more dispatch, to produce similar effects. This was the Civil Law. It worked the same way, and produced similar effects, though its principles and maxims are somewhat different, and sometimes opposed to each other.

2. The Civil Law differs from the Common, as in other respects, so especially, in two particulars; it knows neither a Jury *, nor a Parliament †; and, as a consequence, is too favourable to arbitrary power.

The Civil ‡ Law having made its way into England about

* Fortescue de Laudibus LL. Angliæ, per Leges Civiles, Testium Depositione probari debet, in quâ duo Testes idonei sunt. Cap. 20, 21, 22.

† Sed non *sic* Angliæ statuta oriri possunt, dum nedum Principis voluntate, sed et totius Regni assensu ipsi conduntur. Ibid. ch. 18.

‡ The exact nature and denomination of the law in our Universities have been made the subject of some dispute, particularly in that warm controversy at Cambridge in 1750, 1751, and 1752, "concerning the right of appeal from the Vice-Chancellor to the Senate: one writer against the appeal, (Dr. Chapman, Master of Magdalen College) maintaining, in the course of his argument, that the University-Courts were directed purely by the Civil Law, to the entire exclusion of the Canon: (an Inquiry into the Right of Appeal from the Chancellor or Vice-Chancellor, &c. in Matters of Discipline, 1751) another (Mr. afterwards Bishop, Hurd), that the law was of a mixed quality, Ecclesiastico-Civil: See the *Opinion of an eminent Lawyer, (Mr. Attorney-General Yorke, afterwards Lord Chancellor Hardwicke) concerning*

the time of King Stephen, became much of a study, and easily found a place in our University-Courts.

the Right of Appeal from the Vice-Chancellor of Cambridge to the Senate. By a Fellow of a College. 1752. It was sufficient to characterize it in the text by the simple term, Civil, for the present, that being acknowledged, and acted upon in Q. Elizabeth's Statutes, though I incline to the opinion of the *Eminent Lawyer*, and for the following, as well as other, reasons.

If our Universities were not in those early times *spiritual* Corporations, they were at least usually reckoned *in ordine ad Spiritualia;* and though the members were not all spiritual men, the Chancellor (then called Rector) always was, and the officers known in his courts were brought over from the Ecclesiastical and Civil Courts. The Rescript of Bishop Montecute relates to spiritual crimes, as well as to such as were merely academical; and in the Bishop of Ely's Rescript respecting Cambridge, and of the Bishop of Lincoln's, respecting Oxford, express mention is made of *spiritual jurisdiction.* In the *Composition*, 1219, between the Chancellor and Archdeacon of Oxford, the Chancellor is allowed to have omnimodam Jurisdictionem, &c. even plenam Jurisdictionem Archidiaconalem, &c. and Pope Sixtus the IVth, as other popes had done before (particularly in the Processus Barnwellensis) A. 1479, in his Bull of Confirmation of Privileges expressly notices omnem Jurisdictionem etiam Scholasticam et spiritualem. To this notion also was favourable the provision made for the study of Canon as well as of Civil Law at Oxford by Edw. II. Ayliffe's Hist. of Oxford, Vol. II. App. 35.

The University-Courts then savoured of the ecclesiastical, both in their language and practice. They had probate of wills; the Vice-Chancellor could, for proper cause, suspend from degrees; and even excommunicate: and to this day, at the end of every term he gives *absolution.* Dr. Chapman, who, on the subject of appeals, wrote *two* pamphlets, has, in one, instanced a Chancellor, who excommunicated, though he had before denied ecclesiastical censures to be of his jurisdiction. The Processus Barnwellensis grants the power of excommunication in full form. By letters patent of Rich. II. it appears, under the Great Seal, that the Chancellor was authorized to give Significavits to the Chancery of his Excommunications, as Bishops did; and the writ *de Excommunicato* was accordingly issued. Edw. I. excommunicated the Bailiffs of Cambridge for infringing the Privileges of the University.

It does not, however, follow, that our Universities are now ecclesiastical Corporations at all, though much of ancient language may still remain, when an ancient practice and constitution have undergone a change. It is the judgment of a great legal authority, (General View of Decisions, by Lord Mansfield, in Civil Causes: by W. D. Evans, Esq. Vol. I. p. 159) that whatever might be the notion of former times, "it is most certain now that Universities are lay Corporations," to which Judge Blackstone adds,

It has been shewn in our History of Cambridge, how that University, by various grants from the Crown, were freed from the courts of Common-Law *; and how, by a decree of Hugh de Belsham, Bishop of Ely, by a Rescript of Simon de Montacute, Bishop of Ely, and various other instruments and Popish Bulls, it was much delivered from ecclesiastical courts. These latter Bulls were all confirmed and finally settled by Pope Martin, in that famous instrument called Processus Barnwellensis, when the jurisdiction of the Chancellor was finally passed, A. D. 1420. Similar proceedings had taken place in the University of Oxford, in civil and ecclesiastical matters, the University having been relieved from certain powers of the Bishop of Lincoln, in whose diocese Oxford then lay. The Universities therefore had courts of their own, which were courts of record, the proceedings in which were regulated by the maxims of the Civil Law †. In ordinary crimes, relating to "though they are sometimes totally composed of ecclesiastical persons." In like manner, though, in our Colleges, founded before the Reformation, there remain Statutes which were never abolished, in which masses are appointed for the souls of Founders, and other Popish language is introduced, yet these Colleges are all now Protestant. Hence, as the Canon and Civil Law had been in the same course of study, and the *Legis Utriusq. Doctor* formed one degree, so there seems formerly to have been some intermixture of them in our courts. It was Harry the Eighth, as we have seen, who abolished the study of the Canon Law in the Universities, but at the same time established Lectures for the Civil. And the power, by which a Vice-Chancellor, at the end of every term, still gives *absolution*, is now derived from the Crown, the Supreme Head of all Corporations.

* The University of Paris possessed similar Privileges: "Philippe-Auguste consideroit beaucoup cette compagnie, puisq'il accordoit a tous les membres, qui la composoient l'exemption de la justice seculiere dans les causes criminelles, et obligeoit le prevôt et tous les Bourgeois de Paris de jurer l'observation du nouveau Privilege. *Crevier.* Lord Mansfield "*believed* (Decisions, &c. p. 165) all the Universities in the world were so constituted."—*None* of the American are so. *The Scottish* have no separate jurisdiction, no peculiar privileges. The *Town Council* even appoint its Professors. The literary Institutions of Lausanne, the Schools, Colleges, and Academy, are under the *Professors* and *citizens*, conjointly. *Essay Statist. sur la Canton de Vaud.*

† It deserves to be observed, that the University of Paris, which so

academical discipline, and pleas between party and party, where either was a member of the University, or the servant of one, the proceedings were not to be according to the rules and forms of the Common Law; and crimes of a higher nature, felony, murder, and the like, might be transferred to the court of the High Steward, by whom, with his proper officers and jurors, half being gownsmen and half townsmen, they might be tried by the laws of the land, and the customs of the University, that is, by certain rules of the Civil Law, our University-Courts having been accustomed to the Civil-Law process long before the Reformation.

With respect, however, to the Crown, the more immediate subject of these remarks, it does not appear that by virtue of the Roman Civil Law it acquired any new prerogatives, for as from the earliest Saxon times our princes sat in ecclesiastical courts, and took the precedence *, so, as already has been shewn in our History of Cambridge, and in

strongly resembled those of England in their general course of studies and academical discipline, yet preserved a striking difference with respect to the Civil Law: Le Droit Civil non seulement y etoit peu cultive, mais lorsq' il voulut s'y introduire, l'entree lui en fut interdite par une bulle expresse d'Honorius III., et cette defense a subiste jusq. en 1679; en sorte que si on l'enseignoit a Paris, ce n'etoit, si je l'ose dire, que furtivement, et en fraude, et parce que son utilite prevaloit contre la disposition des Loix. *Origines de l'Universite de Paris, a la fin de l'Histoire*, Tom. VII. p. 104. Mons. Crevier, though a liberal and learned man, was, probably, too good a Catholic to assign the true reason for this neglect of the Civil Law in the University of Paris. The Popes were, in short, too quick-sighted and alive to their own interests, not to perceive that the absolute authority of the Civil Magistrate, countenanced by the Civil Law, militated against their own absolute ecclesiastical claims. For this reason, it was, that the Popes were ever solicitous to have the Decretals (and, in part, they succeeded) studied in our Universities. *Priv. Cam.* p. 32.

* This is clear, as well from what has just been hinted, as from the Titles and Prefaces to several of the most ancient constitutions of our Anglo-Saxon laws, and from several of the laws themselves; in Bishop Wilkins' *Ll. Anglo-Saxonicæ, Ecclesiasticæ et Civiles.*

these volumes of Privileges, they were the supreme head of our academical body. But, if they acquired no new prerogatives, they were taught to speak with a higher tone, and to hold a tighter rein. Queen Elizabeth's statutes, we may see, begin in the most authoritative, imperial style, in imitation evidently of the Procemium of *Justinian's Institutes* *. But I have sufficiently enlarged on this subject in the History of Cambridge.

It may, perhaps, be thought by some, that in our HISTORY an undue stress has been laid on the Statutes of the University not being confirmed by an Act of Parliament; so no particular stress is laid on it here. For, whether the charter of the same Queen being confirmed by the Parliament, the Statutes, with all other of her public instruments, relating to the University, were, as Serjeant Millar expresses it, "considered as being confirmed in the gross," or, that the broad seal annexed to them was supposed to be tantamount to a ratification by Parliament, or, that they were to be received as the legal declarations of the head and supreme visitor of a literary corporation, or, that it was advised by the great lawyers of that period as more according to the forms and spirit of the Imperial Roman Law, and as even authorized by an Act of Parliament—whatever might be the reason, all intended to be insisted on here, is, that Elizabeth's statutes are founded on the principles of the Civil Law, the Queen acting, in giving them, propriâ regali auctoritate. This is, probably, the ground of the distinction. For the right in both cases would probably be defended by some as standing on the same ground. And here, in passing, we may conceive on what *principles* the Tudor and Stuart families acted in making so free with the laws and

* "Mandatum necessitatem facit"—"propriâ Regali Auctoritate." PROŒMIUM *ad* STAT. ELIZABETHÆ.—"Mandamus Specialiter," et ipsi "nostra Auctoritate." PROŒMIUM *ad* JUSTINIANI INSTITUTIONES. See Hist. of Camb. Vol. I. ch. 5.

liberties of the University, as they are now pretty generally understood to have done. For something more than mere *pretences* they had. They were all, we may be sure, instructed in the leading principles of the Civil Law, the prevailing study of those times. Their defenders maintained, that the prince, who may of his own grace give laws, may repeal or dispense with oaths, and, that the same power that confers a privilege may take it away *. Hence it was, no doubt, that (although occasional interferences occurred in the private matters of Colleges, before the Reformation) in the exercise of such authorities these princes set no bounds. From the Histories both of Oxford and Cambridge, innumerable instances might be produced, whereby, though our princes acted contrary to the acknowledged maxims of the Common Law, their advocates confidently defended them on the principles of the Civil; as in cases of cancelling oaths and obligations, of appeals, of arbitrary decisions, of appointing to offices, of voiding elections, and other matters of what was supposed to concern private property, in which the plaintiff, in a Common Law court †,

* The King's Visitatorial Power asserted, &c. in the Visitation of Mag. College, by Dr. Johnson, chap. 3. Cujus est condere, ejus est destruere, is a maxim of the Civil Law, as quoted by the above writer, p. 135.

† It must not be supposed that I am undertaking to decry the peculiar excellencies of the Civil Law, which are proclaimed in the praises and practice of almost all Europe, by whom it was admitted as a kind of Jus Gentium: its admirers are rather left in full possession of Gravina's testimony in its favour: Quænam est autem Ars, quænam facultas, cui tanta eruditio sit implicata, quantam complectitur jurisprudentia civilis, ex qua nativa rerum singularum vocabula, et arcana Latinitatis, et selectiora dicendi genera ducuntur, et recondita notitia vetustatis eruitur, et Scientia temporum atq. factorum, non communis illa quidem et vulgata, sed sanctior atq. selectior, ita ut unius jurisprudentiæ studium Græcam atq. Romanam eruditionem trahat universam. *Gravinæ Origines Juris Civilis*, as quoted by Dr. Irving, in *Observations on the Study of the Civil Law.* Our learned Thomas Baker, who, in his Character of Complainant on the Insufficiency of all Learning, ch. xiii. finds sufficient fault with the original compilers, the glossers, commentators, and critics of the Roman Civil Law; yet admits

would have had just cause to complain of what is called, the Exitum Placiti; but they presumed that on the principles of the Justinian Code, the Roman Civil Law, Initium et finis legum eruditionis a voce principali procedere*: but methinks they triumphed too hastily: for, here it will be recollected, that a distinction is to be made between a state of things, in which a prince acts as head and public reformer, in a critical period, of all bodies politic, (as Harry the VIIIth, Edw. VI. Queens Mary and Elizabeth, are understood severally to have done), and one that is settled, and under particular regulations, for ascertaining rights, and securing person and property: but their advocates made no such distinctions; they maintained, that all alike was subject to the will and pleasure of the sovereign, and that, in fact, his dispensing with law, was law. The case then of the Vice-President and Fellows of Magdalen, though a very gross exercise of the civil prerogative, cannot be conceived to have been a solitary one; examples of the royal proceedings in inferior cases and less magnitude were directed by the same

its general excellence; and, as he well expresses it, "the Roman laws have lived longer, and spread wider than their arms ever did, and the conquests of their wisdom have been greater than those of their power." Its *particular* excellence (unnoticed by Baker) was its service against the encroachments of the decretals, those ecclesiastical laws of the Roman Pontiffs, very injurious to the rights of princes: so that when they opposed the Civil Law, as they sometimes did, it was, strictly speaking, the Canon, not the Civil Law, (which were much intermingled) that they meant to discourage; though at the same time we must not forget that the Civil Law itself was much at variance with the Common Law, that bulwark of the English liberties; and, hence the famous protestation of the English Lords, on a proposal to admit the Civil Law in a case even favourable to their particular interests and passions, "Omnes Comites et Barones unâ voce responderunt, quod NOLUMUS *Leges Angliæ mutari.*"

* *Proœmium ad Justiniani Institutiones:* So again in the PANDECTS; Quod Principi placuit legis habet vigorem; utpote cum Lege Regiâ quæ de Imperio ejus lata est, populus ei et in eum omne suum Imperium et Potestatem conferat.

rule, and supported from the testimony of eminent civilians, and on the acknowledged temper and practice of the Civil Law.

Bona fides tantundem possidenti præstat, quantum *veritas*, quoties *lex* impedimento non est, is a rule of Ulpian's * for the Civil Law; of which a striking illustration was made in a decree lately passed at Doctors Commons. It concerns our Universities as under the dispensing power of Q. Elizabeth.

The case is as follows: the Provost and Fellows of King's College, Cambridge, made an appeal to the Bishop of Lincoln, their visitor, against the Provost and Fellows of Eton College, that they had been in the habit of holding ecclesiastical preferment contrary to the statutes of their founder, in violation of oaths taken by them, and to the injury of King's College. *The Appeal of King's College*, &c. was lately published, and also the Report of the Proceedings, by Mr. Williams. The case was argued with much ingenuity by learned civilians and common lawyers on both sides, as well in reference to the original intention and statutes of the royal founder, as to a dispensation of Queen Elizabeth, authorizing the Fellows of Eton to hold preferments with fellowships, and further, on the principles both of the civil and common law. The learned visitor, assisted by learned assessors, Sir William Grant, Master of the Rolls, and Sir John Scot, pronounced against the appeal, and declared that the Fellows of Eton College were enabled to hold *one* benefice by virtue of the dispensation, but further enjoined all future Fellows of Eton College not to exceed the indulgence granted by the dispensing statute of Elizabeth.

On the decree itself, as right or wrong, I venture to give no opinion, and shall make but little of remark on the case:

* De Regulis Juris Antiqui. Ex Digestis: sub finem Justiniani Institut. Juris Civilis: Edit. Ant. Cant. Par. 1560.

—I shall only observe, that in the Eton statutes there is not only one by the founder forbidding Fellows to hold preferments with their fellowships, but another, declaring it unlawful for any of his heirs, *the kings of England*, or the *Bishop of Lincoln*, to alter or dispense with them. Yet we see that even the statutes *of a Royal Founder* (Hen. VI.) were superseded by a dispensation of Elizabeth's, and the Fellows of Eton, by virtue of that, were enabled to hold one living. The decree then must at least have proceeded on these principles, (and perhaps presumed some others) that Henry VI. though even *a king*, was to be considered merely as a private founder; that the mandate or dispensation of Elizabeth was at the time contemplated as the act of the supreme head, and her will, as law, paramount to bye-laws, and removing all impediment, in the strict sense of the Civil Law;

Quod Regi placuit Legis habet Vigorem.

One observation, however, I shall take leave to extract from *Remarks Critical and Explanatory of Mr. Williams's Report of the Proceedings of the said Case*; "that as a legal case it cannot be of any use, as the *dispensing power* was not entered into with sufficient depth of research by the Council, and the *Assessors*, possibly as sitting in a court of no authority, but certainly, for reasons best known to themselves, declined the explanation of their sentiments." But from the decree of the visitor we may infer the opinion of the assessors, which probably was, that though the principle of a dispensing power may not be relished now, yet that in the time of Elizabeth it was considered legal, that is, consonant to the rules of the civil law, the law which still, in conformity with the statutes both of Edward the Sixth and of Queen Elizabeth, governs the courts of our Universities.

3. With regard to ecclesiastical power.—Though the

Universities are now lay corporations, yet the Crown claimed over them ecclesiastical authority. Passing what relation it bore to these bodies, in this respect, in more early times, it is well known that when Hen. VIII. stripped the Pope of his spiritual prerogatives in this country, he invested himself with them. By virtue of the Act of Supremacy, he dissolved religious houses, introduced six articles, "oppressing," as Hume expresses it, "to both (religious) parties, Catholics and Protestants, called *the bloody bill;* empowered commissioners, Lord Cromwell and others, most of them laymen, to reform Universities, and to give statutes to them, as he had to Cardinal Wolsey before, *though* the fall of the latter prevented the completion." Wood's Hist. et Ant. Ox. L. 1, p. 247, &c. and burnt two of their greatest ornaments, Sir Thomas More, an Oxford man, and Bishop Fisher, who was almost the founder of St. John's, Cambridge, for not acknowledging his supremacy:—both Universities there had surrendered to Hen. VIII. all their charters and bulls, and the latter were never returned; so he gave them, with their statutes, a new grant of Privileges, and inflicted ecclesiastical punishment, as well as *secular*, annulling all bulls and other instruments, which had antecedently been given by Popes; for though he found that the triple crown, as one neatly expresses it, "could not solder well with the English," yet he thought that ecclesiastical supremacy, a jewel taken from that triple crown, would adorn and dignify his own: and Hooker well knew how far its influence extended; for it is in the book, where he speaks of the authority of making laws, and in reference to the supremacy, when he says, "the civil magistracy hath the power of making laws, yea laws concerning the most *spiritual affairs of the church* *."

* Eccles. Pol. B. 8. A very curious paper on this subject, together with two Letters to the University of Oxford, may be seen among the Records at

In virtue of the same power, the Supremacy, Edw. VI. under guidance of the Protector, Duke of Somerset, and his Councils, ordered 42 articles of faith to be drawn up for the clergy, passed two* acts for the uniformity of the Common Prayer, and the administration of the Sacraments †, and another for abstinence from flesh‡ in Lent; he punished for religious opinions, passed an act for the marriage of priests, and gave various other directions for the government of the church: and with respect to Universities, the Duke of Somerset, under his authority, sent commissioners to Oxford; he passed an act, by which as he aimed to reform Chantries Collegiate, so also "to convert to good and godly uses, our Universities;" and as he appointed 32 persons § to make ecclesiastical laws for the government of the church, so did he others, to compose statutes ‖ for the University, agreeable to them; both works alike appertaining, as it was thought, to the province of the supreme magistrate, as head of the church.

Though the supremacy of Mary ¶ was reclaimed by the Pope under Mary, and by her willingly restored, and the act itself repealed, and never afterwards restored, yet she retained enough of the power to dispossess the Protestant bishops of their ecclesiastical preferments, and to persecute most bitterly for religious opinions. In our Universities she empowered Cardinal Pole, who was at the same time legate from the Pope and her Metropolitical Archbishop of Canterbury, to appear at Cambridge, in order to promote an-

the end of Vol. I. of Burnet's History of the Reformation, Vol. I. They were written by Henry himself.

* A. 2° et 3°, Sect. 1. Edw. VI. and A. 5to and 6to Sect. I. Edw. VI.

† 5to et 6to. Sect. 12. Edw. VI.

‡ A. 2° and 3°, Sect. 19. Edw. VI.

§ 1mo. Edw. VI.

‖ They may be seen in the Statuta Antiqua Cantab.

¶ See an ample Letter on this subject, among the *Records* in Burnet's Hist. of the Reformation.

other reformation, to give new statutes*, and, to borrow the idle conceit of a divine of that period, "to open the Pole† of the heavens" there, as well as upon the church. She and Pole thought they had as great a right to consider their new arrangements in the University a Reformation, as Hen. VIII. and Edw. VI. had theirs; and, though Queen Elizabeth reformed them back again to Protestantism, yet the more sanguine Catholics were fully persuaded, that their Reformation would again have its turn ‡.

Queen Elizabeth was a princess of superior abilities, of great strength of character in herself, and much discernment in the choice of her ministry. Her ruling passion was love of power; "and in her family, in her court, and in her kingdom, she remained equally mistress." Hume.—In spiritual and ecclesiastical matters, she exercised as full legislation and jurisdiction as Hen. VIII. She melted down the 42 articles of Edward into 39; ordered the re-establishment, with some alterations, of the Liturgy; deposed bishops, created new ecclesiastical courts, and guarded religious opinions with penal sanctions, at her pleasure.

With respect to many private colleges, it might seem unnecessary to observe, that she superseded statutes, which she

* They are not printed in our *Privileges*, but may be found in the Stat. Ant. Cantab.

† Alludes to a most idle pun of the Archdeacon of Canterbury, where Cardinal Pole slept the first night, on his road from Dover, when he arrived in England;—in a Latin oration, the Dean thus addressed him: "Tu es Polus, qui aperis nobis *Polum Cœlorum*." He repeated it in a funeral oration on Pole. O! salutarem illum Diem, quo Polus noster non dubito quin a cœlesti illo *Polo* missus nos Deo et Ecclesiæ reddidit. See Ludovico Beccatelli's Life of Cardinal Pole, by Pye, p. 95.

‡ The curious MS. (penes me, and to which I have before referred) written in the time of Elizabeth, is distinctly entitled, "A Memorial of the Reformation in England." There is a long chapter on the Reformation of the Universities, by a Council of the Reformation to be ordained by the authority of the Prince and Parliament with the consent of the See Apostolic.

never repealed, and which never have been repealed, and dispensed with oaths, which were understood to be sacred and obligatory. She appointed Cecil to visit Oxford. The privileges which she conferred on all the colleges, (the University at large) and the whole body of her statutes for Cambridge University, appear in these volumes; and it would be endless to dwell on particulars: Si qualis fuerit, velis scire, circumspice.

It may be said, then, that this princess acted under a threefold capacity. The four first General Councils had settled what opinions were heretical; and heresy was punishable at *common law*: the University-Courts she settled, as Edw. VI.'s Council had also done, on the principles of the civil law*; and she exercised ecclesiastical authority by virtue of her headship or governorship of the church: for though the old Act of Supremacy, as passed under Hen. VIII. A. 26, was not restored, a new act, with the same powers, was passed by Elizabeth, under which she acted with great resolution and firmness.

Thus have we briefly considered the character of the King or Queen of England, in reference to common, civil, and ecclesiastical law; and, I apprehend, it is in this threefold relation, in which the supreme power stands in its visitatorial capacity towards the Universities.

To some it may appear, perhaps, that in the preceding statement of certain royal measures pursued, sufficient weight has not been laid on the several acts of Parliament, by which, it will be insisted, they were directed, and by which, it may be urged, they may be justified; and, acknowledge I also must, that for several of those measures acts of Parliament may be produced. Nay, even for that

* Cancellarius potestatem habebit ad omnes omnium Scholasticorum, atq. etiam eorum famulorum controversias, summarie, et sine ulla juris solennitate, praeter illam, quam nos praescribemus secundum jus civile, et eorum Privilegia, &c. *De Cancellarii Officio. Stat. Eliz.* cap. 42.

proceeding of Elizabeth's, of the legality and authority of which I have elsewhere expressed a doubt, I confess I find part of a clause in the act, A. 1mo Sect. 18, running thus—"And that your highness, your heirs, and successors, kings or queens of this realm, shall have full power and authority, by virtue of this act, by letters patent under *the Great Seal* of England, to assign, name, and authorize, when and as often as your highness, your heirs, or successors, shall think meet and convenient, &c. to exercise, use, occupy, and execute, under your highness, &c. all manner of jurisdictions, &c. concerning any spiritual and ecclesiastical:" &c. and before any degrees in Universities were conferred, the candidate was to take this oath of supremacy. *It may then* plausibly enough be urged, that all such royal measures were defensible, and their sanctions binding, a national parliamentary act rendering them constitutional and legal.

And, it is most true, that a national Parliament, that is, a Parliament properly representing the three Estates of the realm, have a right to make laws. But it will, on the other hand, be asked by some, Were these Parliaments so constituted? and, did they speak the sense of the nation? May they not rather urge, that these Parliaments acted and spake in strict conformity to the will and wishes of the reigning Prince, however capricious those WISHES, and however despotic that WILL might be?

Hume shall answer these questions. Of two acts of Hen. VIIIth's Parliament he remarks: "The Parliament having thus resigned (by the *Six Articles Act*) all their religious liberties, proceeded to an entire surrender of their civil; and without scruple, by one act, a total subversion of the English Constitution. They gave to the King's Proclamation the same force as to a Statute enacted by Parliament; and to render the matter worse, if possible, they framed this law as if it were only declaratory, and were intended to explain the natural extent of the royal authority." And again: "There were ten Parliaments summoned by

Hen. VIII. and twenty-three sessions held. The whole time in which these Parliaments sat during this long reign exceeded not three years and a half. It amounted not to a twelvemonth during the first 20 years—All the king's caprices were indeed blindly complied with, and no regard was paid to the safety or liberty of the subject." So in the reign of Edw. VI. "A repeal, indeed," he observes, "of that destructive law was made, which rendered the King's Proclamation of equal force with a Statute, but they still abided by the principle." And again: "A session of Parliament was held (Nov. 4th), and, as it was the usual maxim of that assembly to acquiesce in every administration which was established, the Council dreaded no opposition from that quarter."

Elizabeth's ideas of the extent and plenitude of the royal power was not less exalted than those of her predecessors; and she steered the course of her administration by them. She managed her parliaments at her own discretion. Hume, in speaking of the two most memorable bills passed in her reign, observes, "This point being gained, a bill was next introduced, annexing the supremacy to the Crown; and, though the Queen was there denominated *Governess*, not *Head*, of the Church, it conveyed the same extensive power, which, under the latter title, had been exercised by her father and brother: all the bishops strenuously opposed it.—By this act, the Crown, without the concurrence either of the Parliament, or even of the Convocation, was vested with the whole spiritual power."

Speaking of the other bill, which was of a civil nature, he remarks, "the Commons made a sacrifice more difficult to obtain than any articles of Faith.—*The House in no instance departed from the most respectful deference and complaisance to the Queen:*" Fine spun words, with a coarse, broad meaning!

Bishop Hurd, who has ably pointed out*, how Hume has confounded the *administration of Government* with the *English Constitution*, to serve as an apology for the tyranny of the Stuarts, has, in the person of Mr. Addison, given a summary of the character and conduct of Elizabeth. He introduces him remarking, and asking: "Her government appears to me, in many instances, oppressive, and highly prejudicial to the ancient rights and privileges of her people. For what other construction can we make of her frequent interpositions to restrain the counsels of their representatives in parliament; threatening some, imprisoning others, and silencing all, with the thunder of her prerogative? *Or*, when she had suffered their counsels to ripen into bills, what shall we say of her high and mighty rejections of them, and that not in single and extraordinary cases, but in matters of ordinary course, and by dozens†!"

The same writer, in conclusion, rounds the splendour of this princess's character with the following encomium of her by Lord Chancellor Bacon; Illud cogitandum censeo, in quali populo imperium tenuerit: si enim in Palmyrenis, aut Asiâ imbelli et molli imperium sortitasset, minus mirandum fuisset; verum in Angliâ, natione ferocissimâ et bellicosissimâ, omnia *Ex Nutu Fœminæ* moveri et cohiberi potuisse, summam merito admirationem habet‡." Now I have not been aiming to detract any thing from the splendours of the Queen, nor would I from the admiration of Lord Bacon; but to point out the influence and efficacy of that princess's self-will, by which she so controlled and governed her parliaments.

There are indeed a few instances, in which parliaments

* Postscript to Hurd's Moral and Political Dialogues, 1st edit. 1759. The 2d edit. of 1760 is without the Postscript.

† Mor. and Polit. Dialogues. Dialogue the 4th—of the Golden Reign of Queen Elizabeth, p. 165.

‡ In his Tract, In Felicem memoriam Elizabethæ.

were not so compliant with the royal will; this was particularly the case in Mary's reign: but even then an expedient was always ready to their hand. For, to the power of control over parliaments must be added another, (one, which as occasion has required, has ever rendered most important services to the Crown) which the Tudors well knew how and when to use; which was, if they could not readily manage a parliament, they could immediately dissolve it; thus killing, where they could not command.

I have ranged, perhaps, discursively on this matter, yet not altogether without reason, as, I hope, will hereafter appear.

To a state of things, in sundry particulars, settled by the Princes of the Tudor family, succeeded James I. of the Stuarts. Being supreme head of the church, he called himself "the great Schoolmaster of his Realm," and his admirers called him Solomon, of whom (Solomon) it is recorded, "that he appointed the priests their changes in the service of God, and that they departed not from his service in any matters *." James, accordingly, nominated bishops, delivered some rules to be observed in translating the Scriptures; prescribed what points of doctrine were not to be preached; and punished erroneous teachers: he also presided, and moderated, in the Hampton Court † Conference, and ordered Canons for the direction of the clergy, which, in like manner as Edw. VI.'s, were never confirmed by Parliament. In our Universities, he stretched this branch of the prerogative, the Supremacy, to a point, which it had scarcely reached under any other of our princes. This prince imposed on those who take degrees at our Universities a sub-

* 1 Chron. xxviii. 21. 2 Chron. viii. 14, 15.

† This famous Conference between the Episcopalians and Puritans, held at Hampton Court in 1602, was engaged in the points in dispute between the two parties. Two accounts of it were published at the time, one by Bishop Barlow, the other by Mr. Calderwood: the latter is considered the most correct account, it having been revised by his Majesty himself.

scription to what he quaintly called, his three *darling* articles. For, though there had been oaths of office, and obedience, of allegiance and supremacy, and of compliance with the use of the Liturgy before, and though the clergy had been called to subscribe to articles of their religious belief, in their clerical capacities, yet for degrees in our Universities, which are indeed civil distinctions, before his time, no such very rigid subscription had been required. For his Majesty's three *darling* articles not only included an oath of submission to his civil and ecclesiastical supremacy, but of a belief in all the doctrinal articles and ecclesiastical discipline of the Church of England *.

The assumptions of the Tudor and Stuart race of princes, and the complaisance of Parliaments, serious evils in themselves at the time, became no less serious in their consequences. The former having persuaded themselves, that they might by their own authority alter the laws †, that parliaments were created for them, and not for the people, employed them to their own purposes, and turned them into instruments, not of security and protection of the people, but of their oppression. While the latter, taught the *doctrines* of servility, were prevailed on to yield to every royal demand, to a supposed prerogative; and made a surrender of the people's most sacred liberties: hence parliaments became little more than nominal institutions, mere registers of the royal pleasure: till men, being taught by their oppressions to reason, and there being some men of principle and conscience in parliament, they found it necessary to be less complaisant: then Cha. I. instead of calling frequent ‡

* His three Darling Articles are given in our Privileges, &c.

† James the First, roundly and regally enough, asserts, that "general laws, made publicly in Parliament, may upon known respects to the King, by his authority, be mitigated, and suspended, upon causes known only to him." *Jus Liberæ Monarchiæ. In Jacobi Op.*

‡ The origin and frequency of parliaments is a subject of too much liti-

parliaments, and suffering them to be judges of what was right, and correctors of what was wrong (agreeably to his coronation * oath), was determined—to check all reasonings, and silence all consciences—on having no parliaments at all†: for ten years he ruled without calling one parliament. Hence sprang our terrible civil wars, in the event of which Charles I. lost his life, as, in following principles much allied to his father's, James the IId did his crown.

The theory, then, by which the Stuart family regulated their practice towards our Universities, after its settlement under Elizabeth, was one composed of a semblance of some good principles of our Common Law, marred and disfigured by those of the Civil, and enforced by the sanction of a supreme ecclesiastical authority. By this, James I.‡, as we have seen, *on merely signifying his pleasure*, imposed his Articles, which concerned every graduating member of the University; and debarring the Fellows of King's

gation to be entered on here; but that they were very frequent at the time in which many writers place their beginning, after Hen. III's time, see "Dugdale's Summons of the Nobility," &c.

Even from what old Chancellor Fortescue speaks of parliaments in his time (Hen. VI.'s reign) it must follow, that they were called very *frequently:* Et si statuta hæc, tantâ solennitate et prudentiâ edita, non esse contingant efficaciæ tantæ, quantæ conditorum cupiebat intentio, *concitò* reformari ipsa possunt, at non sine communitatis et procerum Regni illius assensu, quali ipsa *primitus* emanarunt. De laudibus Ll. Angliæ, ch. 18.

* Et si quæ in illo Regno (Angliâ) dilationes in placitis minus accommodæ fuerint usitatæ, cum in ullo claudicaverint, in omnè parliamento poterunt reformari.——Ad quod faciendum, quoties equitas id poposcerit, singuli reges ibidem sacramento astringuntur solenniter præstito tempore receptionis diadematis sui. Ibid.

† "By this time, all thoughts of ever having a parliament again were quite banished; so many oppressions had been set on foot, so many illegal actions done, that the only way to justify the mischiefs already done, was to do that one greater, To take away the means which were ordained to redress them, the lawful government of England by Parliaments." *May's History of the Parliament of England.* B. I. Ch. 2.

‡ *Litera Regiæ.* Dec. 3, 1616. Priv. of Cambridge.

College * of the power to choose their provost, which they received from their founder, being bound to proceed in their mode of choosing according to oath, he assumed the right of nomination to himself. By this, Cha. I. authorized Archbishop Laud to make a visitation of Oxford, in his metropolitical character, as Archbishop †, rather than as Chancellor; and by this, he dispensed with the statutes of Emmanuel College, in opposition to the Master and Fellows, pleading the obligation of their oaths ‡. By this, Cha. II. in a Letter directed to the Master and Fellows of Trin. Col. Cambridge, appointed R. P. fellow, contrary to the wishes of the fellows, in whom the appointment lay, and pleading the regulations by which they were bound to act on oath: and by this, James II. as already has appeared, ejected Dr. Hough and the Fellows of Magdalen College, *by Proceedings before the Lords Commissioners for Ecclesiastical Affairs.*

The Revolution in 1688 introduced into the nation at large, as well as into our Universities, feelings more genuine, and principles that were deemed more liberal and constitutional, though not so liberal nor favourable to the liberties of the people, as some of its friends wished and expected it to have been. But a great advancement in the cause of civil and religious liberty was undoubtedly made; those assumptions of power so uniformly acted on by the Tudors

* The case is stated from Dr. Brady's MS. Account, as quoted by Dr. Johnston, in Appendix to the King's Visitat. Power asserted with respect to Oxford. The principal argument that James employed was, *that the King never dies, and that he was their founder, and would not part with his right of nomination.*

† "And, if we consider that the suppressing the Non-Conformists was the care of King Cha. I. and that Archbishop Laud was so bent to effect it, we are not to wonder, that his Majesty was determined *in favour of the visitation as Archbishop*, rather than as Chancellor." *Johnston's Visit. Power, &c.* p. 190.

‡ Sub Init. Reg. Car. I. *Eccles. Academ.*—The particular Statutes alluded to of Emman. Statutes are *de Mora Sociorum* and *de Residentia Sociorum.*

and Stuarts, and by James the Second so recently, were, both in general and in particular instances, declared to be illegal, and contrary to the laws and liberties of this kingdom; viz. in general, that of assuming and exercising a power of suspending laws, and the execution of them, without the consent of Parliament; and in particular, that of issuing, and causing to be issued, commissions under the Great Seal, for erecting a court for ecclesiastical causes; of violating the freedom of elections; and of prosecuting in the Court of King's Bench causes cognizable only in parliament. These, and similar violations on the known laws and statutes of the realm, were pronounced to be arbitrary and illegal; and James having abdicated, the crown was declared vacant, &c.

The Declaration of Rights, as this Act was called *, is enacted in the most general terms (with the exception of its opposition to Popery, necessary perhaps at the time for self-defence and public security), as presenting the true, ancient, and indubitable rights and liberties of the people of this kingdom. The former oaths of allegiance and supremacy were abrogated; and, instead of them, By all officers and ministers, who should serve their Majesties, two oaths were taken, one called *the Oath of Allegiance* to their present Majesties, the other *the Abjuration Oath*, renouncing the dethroning power and spiritual supremacy of the Pope, as then held by the Papists.

It may be observed, that, though the old act of supremacy was by this declaration abolished, there is no mention made of any headship or supremacy as being ecclesiastical, claimed by, or for, the King. The King, by education, perhaps, was not fond of the title, nor prepared to receive it, though, at the same time, all the titles, honours, and jurisdictions, formerly belonging to the Crown, are asserted for him; and it is also certain, that he must have executed in his regal office many of those acts, which were supposed to have been branches of the ecclesiastical power; and that

* 1 W. et M. St. 2, c. 2.

the King is still by act of Parliament, *in all causes, and over all persons, ecclesiastical, as well as civil,* supreme.

Nor is notice taken either of the Clergy* or Dissenters, though the former do now, and did much then, favour it; and the latter have been friends to it from the beginning. Neither does it contain any mention of Universities, nor any other corporations; though in its last clause their privileges are secured to them: "Provided, that no charter, or grant, or pardon, granted before the three and twentieth day of October, in the year of our Lord 1689, shall be any where impeached or invalidated by this Act." And it is supposed that the case of the Vice-President and Fellows ejected from Magdalen College by James II. was under view in a clause of this act: and accordingly Dr. Hough, the ejected Vice-President, was made Bishop of Worcester by King William, and the ejected Fellows were restored.

The Parliament that passed this famous act has been called the Convention-Parliament.

* It should be considered, that the body of the established clergy had taken the oath of allegiance to James, which, though they afterwards abjured (and many of them no doubt most conscientiously) yet many, as conscientiously at least, abided by, who were therefore called Nonjurors. The writings of the Protestant Clergy of those times heartily (as might be expected) favour the Revolution. See more particularly those of Bishop Burnet (through whom it was that Dr. Tillotson was made Arehbishop of Canterbury) and Bishop Hoadley: and, of a later period, Bishop Hurd's Moral and Political Dialogues. Dial. v. vi. Locke's Treatises on the English Government may be said to be declaratory of the principles of the Revolution in 1688, and the Dissenters came into them, as was very natural, immediately and uniformly. I allude more particularly to what Locke says on the *Origin of kingly Government*, in his Treatises on Government. See Peircii Vindic. Nonconformistarum: and, in more modern times, Dr. Price's and Dr. Kippis's Sermons, before the Society for commemorating *the glorious Revolution*, contain, I believe, the views, in general, of the Dissenters. The Revolution in 1688 may, therefore, be considered as the cause of Protestantism against Popery at the time; how far it is suited to the wants of the present is a subject on which no opinion is given here; I have, however, ventured to give one in the *3d edit. of Four Letters on the English Constitution.*

Any objections that may have been made, and by whatever party, to the competency of the persons that constituted this parliament, or to any of their subsequent measures, fall not within the scope of these observations. Suffice it now, that it's declared purport and genuine spirit are favourable to English liberty, in opposition to the arbitrary administratiou of the preceding reigns. Mr. Burke * has weakened his own argument on this subject by his blundering interpretation of the words "*submitting their heirs and posterities, for ever.*" He knew, or ought to have known, this is merely the accustomed mode of speech, in royal charters and acts of parliament, and means nothing more than that while such charters and acts of parliament remain unrepealed by any subsequent act, the preceding act is universally in force; though an act which may follow can, and does, immediately abrogate the act to which it is opposed, that went before. As to this declaration of rights, it has hitherto remained unrepealed, and therefore must be considered as declaratory of the leading principles of our constitution, and as abrogating any preceding acts repugnant to them.

The final visitatorial authority therefore over our English Universities having hitherto been exercised by the supreme executive magistrate, moving according to the direction of the common law of England, (with, it must be acknowledged, something of a glare thrown around it by the civil law of the Roman Emperors, and the ecclesiastical supremacy of the Roman Pontiff) readers must have observed, (and it is scarcely necessary to warn them of it here) that in these Dissertations the words King, Queen, his, or her Majesty, the Crown, the Supreme Power, and the like expressions, have hitherto been used indifferently, and as synonymous with the Authority of the Supreme executive Magistrate, who, as an English king, must act cum assensu parliamenti; so that, in short, this authority must be resolved, and

* In his book on the French Revolution.

such is the language which, more particularly in these times, should be used, into, The Supreme authority of Parliament: I say more particularly in these times, because, to repeat Lord Mansfield's words, it is most certain *now*, that the corporations of the Universities are lay-corporations, and therefore not naturally cognizable according to ecclesiastical regimen, now, however, they might be in Popish times: I say, in these times, in reference to the authority of Parliament, to what Judge Blackstone means by the omnipotence of Parliament, as laid down at the Revolution, in opposition to any illegal acts, and unintelligible claims *merely regal*: and I say in these times, because the civil law, as followed in any of our courts, rests solely, as it were, by a sort of grace, on the sanction of the common law, having no further force, than as it agrees with that, or is supported by acts of Parliament *; and, because the Canons (either Edw. VIth's or James I's) not having been sanctioned by Parliament, they have been thought not to be obligatory on the laity, and make no part of the Lex Terræ.

As a famous author, and a sincere Royalist, before the Revolution, has expressed this idea so clearly, we may sum the matter up in his words:—"The Parliament itself," says Mr. Prynne, "to speak properly, is the true real founder and establisher of both Universities, they being incorporated, and made capable to sue, purchase, and enjoy, all their Privileges and Lands, without controversy, only by an act of Parliament in the 13th year of Eliz. Rot. 36, the title whereof is only mentioned in the printed acts; therefore the Parliament, being the true founders of it, have best right to visit it by common law †."

* Blackstone's Commentaries, Introd. ch. 3.

† The University of Oxford printed "A Plea of Privileges," at the time, when the Parliament were about to appoint a visitation there. Mr. Prynne published, "The University of Oxford's Plea refuted; or, a full Answer to a late printed paper, entitled the Privileges of the University of Oxford in point of Visitation; a work already alluded to. Parliament had

Thus much for the relation which the Chief Magistrate, or rather the supreme legislatorial authority, the High Court

appointed a visitation of both Universities about the same time. Mr. Prynne was one of the visitors for Oxford; and a sincere royalist he most undoubtedly was (as appears from his famous SPEECH in Parliament (Parl. Hist. of England, Dec. 14th, 1648) "Touching the King's Answer to the Propositions of both Houses upon the whole Treaty, in opposition to the Army's Remonstrance." Yet he was a sincere Presbyterian too: and *the Solemn League and Covenant* was not the casket in which the inestimable jewel of religious liberty could be deposited, any more than James Ist's *three darling Articles.* Of neither one nor the other may we say—

That was the casket of Heaven's choicest store.

Milton.

And a home-thrust, made by a certain writer, while defending the arbitrary measures of James II. at Oxford, will have as much force, when applied to the Presbyterian party engaged against the Prelatical, as to the Prelatical, when they engaged against the Puritans; "His Majesty (or some such words, for I quote from memory) has taken care that no such evils shall be inflicted on you, as you have inflicted on your opponents."

Mr. P. says, after Mr. A. Wood, that Oxford was a University at least 300 years before Alfred; which assertion, though a little nearer the truth than what has been said of Cambridge, is yet far enough from it, as not resting on sufficient evidence.

He says, "that no King of England before Hen. VIII. ever visited either University for aught that appears by ancient records." Yet, indeed, I must think, that Ric. II. visited Cambridge. Under him there appears to have been a General Review of the Powers, Defects, and Privileges, of the University; A. 1377. A. 1mo Ric. II. as the readers of our Privileges may see, "Petitiones Cancellarii et Scholarium in Parliamento exhibitæ pro quibusdam Defectibus in Chartis privilegiorum suorum perficiendis, p. 21. The year after, *the Charta Amplissima*, confirming all former Charters and Privileges, may be seen, and various other commissions, petitions, &c. relating to the *Processus Barnwellensis*, the Chancellor's excommunications, and other matters, which intimately concerned the academical body; and this was all followed by a Parliament, summoned by the King at Cambridge, p. 26, "Literæ Regis de Summonitione *apud Cantabrigiam*, una *cum Convocatione Cleri ibidem*. A. R. 12. This seems, therefore, to have been a Royal Visitation. And, if I mistake not, Hen. IIId's visit to Cambridge was of the same character; for as that appears to have been a memorable period for settling the academical discipline, and government, so at the end of that reign is found, An Historiola de Adventu Regis

of Parliament, bears to our English Universities, in their present state; and a right apprehension of this relation may

Hen. III. in Villam Cantabrig. et de quibusdam *propugnaculis a se positis. Privileges, p.* 8.

But to speak truly, it was not merely Hen. VIIIth's presence at Oxford which constituted a royal visitation. Edw the VIth's *Breve Citatorium* (A. 1549, Priv. Cantab. p. 47, 48) *Cancellario et procuratoribus transmissum quod compareant coram visitatoribus Regis*, constituted a royal visitation at Cambridge as much as the presence of Hen. VIII. accompanied with Wolsey, his commissioner, could at Oxford.

In reply to the "University of Oxford's Plea," that it was their privilege to be visited only by kings, Mr. P. shews that Chancellors, and Vice-Chancellors, and Archbishops, have made visitations. And there is evidence for this also in the Privileges of Cambridge. They visited in *their local*, or metropolitical capacities. But does this really affect the question of *supreme visitation*?

An Oxford writer, (who, if I mistake not, means to speak after Mr. Prynne) says, there was no visitation of our Universities by commission till the time of Hen. VIII. I doubt whether this is speaking quite correctly, no visitation, (and there had been several) having been without his permission at least, and two, as we shall presently see, had the royal and parliamentary sanction. By turning to p. 52 of the Privileges, we may see that besides the licences and commissions (heads of which are printed in that volume) there are, in the 3d volume of the Vice-Chancellor's copy of Hare, above 20 more commissions (which seem principally to concern the Chancellor and heads) that are not in the Register's copy: they are, as it is there (p. 52) expressed in the same form as this, Commissio de Pace Conservanda in Villa et Suburbiis Cant. salvâ jurisdictione Cancellarii Universitatis." What they relate to, I cannot positively say, not having examined them; but it appears they run up to a very early period. With respect to those visitations made by Archbishop Arundel A. 20 Ric. II. and 13 Hen. IV. one was undertaken by the counsel and direction of the King; and with respect to the other, it was confirmed by Parliament, and therefore had the force of an act of Parliament. The patent, too, for the former has these words—Salvis nobis et hæredibus nostris omnibus aliis quibus in Universitate prædicta nos et progenitores nostri uti consuevimus temporibus retroactis; and the latter, the Archbishop's petition, "A le Roy supplie v̄re Chapleyn Th. A. de Cant. Qe Plese a vous Sr. par Assent de ses Espūels et Temp. et les coēns in ceste pr. Parl. de Grauntier, &c. and the Schedule subjoined, relate to exemptions, by virtue of Popes' Bulls, (particularly that of Boniface the 8th) which therefore that Parliament annulled; so that these matters were thenceforth to proceed regularly here, under the sanction of our own supreme legislative authority, as the Vice-

seem to render all further observations on the subject unnecessary. But let us proceed. Let us view this matter in

Chancellor's court itself could, by charter, take cognizance of certain causes, which in ordinary cases fell under the ecclesiastical jurisdiction of the Archbishop: which is the principle on which the Letter from the Vice-Chancellor to the Lords Commissioners for Ecclesiastical Affairs proceeds, Oct. 4, 1562, as well as, Literæ Academiæ ad Archiepiscopum aliosq. judices in causis Ecclesiasticis, &c. MSS. C. C. C. 106. 228—Ibid. 338.

These cases, therefore, I humbly think, do not much assist Mr. Prynne's argument; of this too he must have been aware himself; for he makes his authority as visitor to the University of Oxford to depend on the *broad seal of England*; and in his Book, from which I have quoted, he calls the Parliament "the *supreme visitors* and reformers of all corruptions and abuses both in church and state;" and we see, that this very authority of Archbishop Arundel, just mentioned, rested on the same authority: and that Rich. II. paid no deference to any absolute archiepiscopal rights is evident; for he deprived this very prelate of his archbishopric; and, though Hen. IV. restored him, Rich. II. was inexorable, notwithstanding he was strongly solicited by the Pope himself. Parker, Archiep. De Antiq! Eccles. Brit. p. 407.

Archbishop Parker is the great authority for this archiepiscopal right of visiting the Universities, which he reckons among the *Cantuariensis Sedis Privilegia & Prerogativa*; ut sup. p. 37, and it is remarkable enough, that the only authorities appealed to by him are those just referred to A. 20, Ric. II. and 13 Hen. IV. (though several other visitations had been made) which shew, indeed, that the Pope's Bulls of Exemptions were annulled, and that the Universities were not *thereby* exempt from metropolitical visitations, (and according to Archbishop Parker's own account, Arundel's visitation was no more; *In eadem Synodo* Doctores Oxonienses quasdem Johannis Wiclyffi opiniones exposuerunt, quas *Synodus* condemnavit—deinde *totam* pene *Provinciam visitando lustravit,* ibid. p. 407. Nor was Archbishop Kilwardy's noticed by Bishop Godwin; Paulo postea Universam Provinciam visitavit et Academiam utramque. De Præsul. Angl. p. 97. Richardsoni Edit. So that Archbishop Arundel's case, strong as it may seem, does, by no means, reach that of the supreme visitatorial power, nor does it prove that the Archbishop possessed any *absolute rights,* as he expresses it elsewhere, in regard to this matter;—quæ legibus non sunt expressa—but rather the contrary; and, indeed, that instead of absolute rights, he acted even then under the counsel and direction of the King, and the authority of the supreme power.

Again. As to these metropolitical rights themselves—Archbishop Parker's PRIVILEGIA et PRÆROGATIVA (including his *Right* of *Visitation* of the

its true point of sight, by contemplating the exercise of such authority in the act of Reformation, on the supposition that

Universities of Oxford and Cambridge) they are either such as are held in common with other bishops, or, as Parker expresses it, rather strongly, are "absoluta, sibiq. peculiaria, quæ legibus expressa non sunt." They were, indeed, bestowed by popes, or conceded by princes: but by whomsoever, they are now held in dependence, submission, and responsibility. If given by popes, it may be seen by the Act of Supremacy, and other acts passed in Hen. VIIIth's reign, 24 Hen. VIII. c. 12. 25 Hen. VIII. c. 25. 26 Hen. VIII. and others (some of which did but restore to the crown rights, which by other acts, of Rich. II. Hen. IVth and Vth, it possessed before) that the supremacy over all ecclesiastical causes and persons having been recovered by the Crown from the Pope, together with all the *clerical* privileges and prerogatives whatsoever, no portion of the power which the Pope had over the Archbishop, or which might have been supposed to have been his absolute prerogatives, were left invested in the Archbishop. It was further provided that in the case of monasteries, colleges, &c. exempt from episcopal power, and immediately subject to the Pope, the visitation "shall not be by the Archbishop, but by Commissioners to be nominated by the Crown," and whether Universities were then considered as exempt or non-exempt, they all alike fell under its jurisdiction, and were visited by Commissioners nominated by the Crown.

The aforesaid act of Hen. VIII. was further confirmed by the Clergy's "Act of Submission," agreed to in the Clergy's own Convocation. Nor does the Visitation afterwards, in Mary's reign, of Cardinal Pole, whether as archbishop or as legate from the Holy See, affect this question at all; the whole powers of Henry's supremacy being fully and firmly resettled in the Crown by the famous act, 1 Eliz. which restored to it the ancient jurisdiction over the state *ecclesiastical* and *spiritual*. So that all the *privileges* and *prerogatives* of the archbishops, with the clergy's in general, were thus by Act of Parliament held *Trinodâ necessitate*.

Our princes and clergy well understood and felt the import of these several acts. Henry the VIIIth even appointed a layman (Lord Cromwell) as his vicegerent for *ecclesiastical affairs*, who, in that capacity, visited the Universities. Archbishop Cranmer's Metropolitical Visitation for reforming the Religious Orders had the King's licence *; and the Clergy, in their Address to Queen Elizabeth, disclaiming all *self-will*, acknowledged in comparison with her, "they were dead dogs † and fleas." And notwith-

---

* Burnet's Hist. B. I.

† Canes mortui et pulices. *The Clergy's Address to the Queen, against the Use of Images.*

a Reformation should ever be required in our Universities—which is our second point to be considered.—

standing Archbishop Parker's claim on *paper* of *Privilegia absoluta*, sibi peculiaria, et legibus non expressa, had he ventured to have acted in a metropolitical character without her licence, and still more, as Supreme Visitor, without her commission, she would undoubtedly (as she once threatened *with an oath* one of her bishops) have "unfrocked" him.

These expressions are, however, not alluded to here, for their ludicrousness and coarseness, but to shew, that ludicrous expressions may conceal serious acknowledgments, and that very coarse language may speak plain truths; and the fact is, the supremacy in all ecclesiastical causes, persons, and prerogatives, is now, by Act of Parliament, secured to the Crown: the *Conge d'Elire*, and the very *pallium*, *ring*, and *pastoral staff*, that is to say, all the spiritualities and temporalities of bishops are derived from the Crown; and Ordination—Confirmation—Spiritual Jurisdiction, and *Rights* of *Visitation*, are all *commissions*, from the legislature, and all performed, *vice*, *nomine*, et authoritate *regali*; and the Act of Homage, formerly paid to the Pope, now only to the King, at the consecration of archbishops and bishops, is a formal acknowledgment of such delegated authority. Visitations, by whomsoever made in our Universities, were, I apprehend, always by commission, either expressed or implied. Thus, when Lord Cromwell, the Chancellor, visited A. 27 Regni Hen. VIII. it was Injunctionibus Regiis (Priv. Cantab. p. 45), where he is called Visitator Generalis et *Vice-gerens*, et Universitatis Cancellarius. So when Dr. Parker, the Vice-Chancellor, and others, visited A. 37 Hen. VIII. it was by commission: MS. Bene't Col. CVI. 89. We find, too, by the Privileges of Camb. p. 136, that in those colleges which were not provided with a special visitor, the Chancellor, or, in his absence, the Vice-Chancellor, was appointed visitor; but this was settled by charta Jac. 1^{mi} A. 1604. All which acts imply a supreme visitatorial power in the king, given by him in commission to others. And even with respect to legantine visitations, in ancient times, under authority from the Pope, it was either by connivance, or permission, or licence, from the King, subject to his regulations and control, and, if they interfered with his prerogatives, or opposed his pleasure, they were interrupted and forbidden by the royal power. Several examples of the visitations of legates may be seen in Hare's Priv. of Oxford and Wood's Antiq. Oxon; and, with the explanatory circumstances, which bring them within the above theory, in Dr. Johnstone's Visitatorial Power Asserted, ch. iv. sect. 1. And, in short, with respect to what are called, the ordinary visitors, the conclusion drawn by the latter writer seems correct, with respect to Cambridge, as well as Oxford, "that whenever the visitations were made by the ordinary visitors, viz. the archbishop

II. It is after a retrospective view of some objects, that we are enabled sometimes to see more distinctly and justly,

or bishops, it was about something relating *to their functions*, settled by the Canons, and *allowed by the laws of the land;* but still the *last resort* was made to the King, besides his first giving leave, as by many particulars is very clear."

It should seem, as if this right of supreme visitatorial power over our Universities is considered rather as a delicate subject; it being seldom noticed in our academical contests; nor, which is remarkable, even in our Civil Law-Courts, where the right of appeals, and of the Local Visitors, has sometimes passed under examination; nor, which is more remarkable still, is it once alluded to in that famous Opinion of an eminent lawyer (Lord Chancellor Hardwicke) referred to a few pages back, though the subject naturally, and almost necessarily, might seem to require it. But there can be no doubt where it legally and constitutionally now resides, by the known exercise of it on great occasions for final appeals, supreme jurisdiction, or national reformation, and by the distant acknowledgments of great legal authorities. Thus, when Lord Mansfield *, in Mr. Crawford's case, says, "the King's courts, if the Colleges *do not exceed their jurisdiction*, have no cognizance, no jurisdiction," it implies, that if they did, there was a higher supreme authority. So again, when Judge Blackstone, speaking of the seizure of the charter of the City of London by Charles and James the Second, adds, "though perhaps in strictness of law, the proceedings† in most of them were sufficiently regular," he means to say, if *I understand* him right, that the King, as supreme executive magistrate under Parliament, the primary founder of all corporations, and supreme visitor, has the power of conferring Privileges, and in a legal, constitutional manner, of taking them away, and that, with a salvo for the premises, the formalities in proceeding were not irregular. He is speaking in reference to his general ideas on corporations, which will equally apply to Universities.

These learned societies, then, as bodies corporate, deriving their existence and character from the State, are naturally guarded by its protection, and favoured by its servants. This partiality has appeared conspicuous, in the language of the Confirmations of their Privileges in successive reigns; in various Orders of the Privy Council; and in the Decisions in our courts of law; as may be seen particularly in the orders of Privy Council A. 12 James I. (see the Privileges, p. 138) and Lord Mansfield's Decisions in the

---

* *General View of Lord Mansfield's Decisions*, &c. Vol. I. p. 164.

† Comment. B. I. c. 18.

by relative considerations, those which are nigh; and we afterwards pass more naturally, sympathetically, and even somewhat prophetically, into the distant prospect. So it is with what concerns the fortune of human institutions. By comparing what has been with what is, and the nature of those powers, called into exercise, in the superintendance of them, man is apt to form inductions, as to what will or ought to be. His inductions, indeed, may be erroneously made; or if made truly, he may not live to see them realized; but if they are just, his convictions, at all events, may become a reasonable rule to his own conscience and conduct.

Monsieur Claude, in his *Defence of the Reformation*, among the French, proceeded therefore with much good sense: after shewing that the state of the government of the Latin Church, many ages before, had formed in their fathers prejudices relating to corruption in doctrine and disci-

Court of King's Bench, under the article, *Universities*. In our courts, both of Civil and Common Law, indeed, it is always usual to pay deference to their ancient charters, and local customs, and to refer their internal disputes to their own domestic jurisdiction, that all tediousness of delay and the danger of wasting their finances by expensive law-suits may be prevented. It is to be lamented, doubtless, (at least in my humble opinion) that the proceedings in our University-Court are so little according to the principle and forms of our Common Law. So, however, the law now stands. Still our Universities, in their present state, are (if I use a proper expression) national lay corporations, as our church is a national spiritual one. It may be presumed, therefore, that these learned bodies, in their turn, are not now, nor will at any future period be, ambitious of being subject to any jurisdiction merely spiritual, any more than they formerly were to a Popish usurpation. And, as our Laws and Constitution now stand, it does not appear likely, that any professional gentleman, of much judgment, should defend, any archbishop should undertake, either University be willing to acknowledge, or an English Parliament prepared to allow, any supreme visitation of these learned institutions without a sanction and commission from the supreme authority.

The subject on which I have here fallen, being one that has not been much gone into by many writers, if the principles should appear to be founded in truth, and to have any serious tendency, this digression, though long, will not, it is hoped, be deemed unnecessary.

pline, sufficient to induce them to examine their religion—and that the authority of the prelates of the Latin Church in binding them to a blind obedience, was unreasonable and unscriptural; after pointing out their abuses and corruptions, as admitted by their own friends *; after shewing, that their fathers, from what had passed for several ages, perceived no Reformation was to be expected from the Pope and the prelates; after these, and other similar preliminaries, he proceeds to shew, that on supposition, their fathers were *right* in their foundation, they were to be justified in setting on foot an Ecclesiastical Reformation, by providing for themselves and their posterity—not by amalgamating their *discipline* with the old establishment, which many efforts had proved to be fruitless and impossible, but by an entire separation from it, which, by differences of opinion, and opposition of interests, became absolutely necessary.

The Reformation in England was of a more mixed nature; and state-policy is often as conspicuous in it as religion. Accordingly, Bishop Burnet begins his History of the Reformation in a different manner from Claude. The Union of the Houses of York and Lancaster in *K. Hen.* VIII.; the King's successes in his wars; his relation to other civil powers; the factions in his council; the ambition and intrigues of his ministers; his quarrels with the Pope, about his divorce; the claim and rivalries between the crown and the mitre, in contests about ecclesiastical immunities;—these, and such-like disputes, principally of a secular nature, if not the original spring in that great work, the Reformation, were at least some of the principal wheels which kept the machine in motion: and, accordingly, these topics even take the precedency in Burnet's History.

Not, however, that religion was not the great pretence, though never even avowed as the only one: it, however,

* Cassander; *Consult. Art. de Eccles.* as quoted in Claude's Epistle Dedicatory to the Marquis of Ravigny, in his *Def. Reform.*

claimed the peerless pre-eminence. Wickliffe's faithful testimonies became powerful incentives; and his doctrines, which, though long suppressed, could not be extinguished, were the secret fire within, which gave spirit to the cause and, when it got free vent, spread a lustre and glory round it. Nor was this all: many eminent men of those times never professed to have raised the edifice to the height of which it was susceptible, but only so far as the politics of that period would let them*: they left their work, therefore, unfinished, but with a confidence that future times would carry it further. Hence it was, that old Latimer, alluding to the Reformation, says, in a Sermon before Edw. VI. "They say in my country, when they call the swine to the trough, Come to the mingle-mangle, come, peers, come; even so do some make mingle-mangle of the Gospel†." And Bonner, in reference to the remains of some of the Popish ceremonies, is said to have observed, "If they sup of our broth, they will soon eat of our beef‡."

But our business is only with the English Universities. These, as we have seen, originated in times, when impostures could be practised without danger or disgrace; when immoralities could easily obtain absolution; when politics and theology were immersed in profound errors: it cannot then be an unreasonable prejudice, to presume, they may retain some imperfections, some remnants of the errors of former times. It would be rashness, bordering on madness, to account every thing that is ancient unprofitable; but it would be weakness, to a degree of superstition, to approach each relique of antiquity with indiscriminate admiration and unqualified praise. There is the folly, no less than the wisdom,

* Fox's Martyrology. Burnet's Hist. Reform. 1st Part. Hume's Hist. Eng. Edward, Elizabeth.

† Gilpin's Life of Bishop Latimer.

‡ Piercii Vindic. Non-Conf. p. 4.

of ages. Ordinances of ancient appointment may be sometimes very wisely turned into new channels; they may take a very promising direction, and be made to administer to modern use: (as by a chemical process substances the most unpromising and apparently heterogeneous may be converted into salutary food) this, however, is not the ordinary course of things: more generally, each age has its appropriate wants, and requires its peculiar supplies; experience teaching us that, however many customs and laws may have suited the genius of former generations, for the purposes of the present their capacities fail; not corresponding to the taste, not satisfactory to the wants, of a more enlightened state of society. Should it be admitted that our reformers endeavoured to catch what Montesquieu calls the "general spirit" of the times, (the true criterion of the excellence of all political regulations) and to accommodate their proceedings to it, why should not modern politicians and reformers walk by the same rule? There is no other way of securing liberty *.

True it is, that these learned—let me add, without the suspicion of either adulation or of irony—venerable, institutions underwent a change, in many respects for the better, at the Reformation, and have always been eminently distinguished in the Annals of Literature: but it will, at the same time, be recollected, that they were adapted most strictly to the genius and character of that Reformation. So if the Reformation of our religion was itself incomplete, (and in the judgment of the reformers themselves, as we have just now shewn, it was so) we are not to expect, that our academical institutions were left perfect.

We must not be surprized then that our fathers at

* Il y a deux sortes de tyrannie, une reelle, qui consiste dans la violence du gouvernment; et une d'opinion, qui se fait sentir lorsque ceux qui gouverne etablissent des choses qui choquent la maniere de penser d'une nation.—*Montesquieu*, l. 19, c. 3.

the Reformation, complained of these defects; nor that since, they have not ceased to complain; nor, that the attempts of our princes * to silence them by restrictions did but tend to make certain defects the more conspicuous, and the complaints of many learned and good men to appear more just and reasonable.

What Lord Mansfield observes of them must, I humbly conceive, be taken cum grano salis.

"There is a vast deal," says his Lordship †, "of difference between a new charter given to a new Corporation, and a new charter given to a Corporation already in being, and acting either under a former charter, or prescriptive usage.—Whatever might be the notion of former times, it is most certain now, that the Corporations of the Universities are lay-corporations, and that the Crown cannot take away from them any rights that have been formerly subsisting in them under old charters or prescriptive rights!"

Now the Privileges of Universities, being simply those of Corporations, are Grants, either from Popes, Princes, or Parliaments: Bulls, is but another name for *Popes Charters*. And those powers which give charters can, though not arbitrarily, and without sufficient reason, take them away, on the principles both of the Civil Law and Common: and they have frequently done so. Ecclesiastical privileges and exemptions were given mostly by Popes, and they have been taken away by Popes and also by Kings and Parliaments. If, as Lord Mansfield's words seem to hold out (*"according to the notions of former times"*) these bodies were ever *ecclesiastical* Corporations, they became so mostly by virtue of Popish Bulls, and were confirmed such (for confirming a charter is the same as another creation) by royal charters: and we find that some of them were annulled by subsequent charters; that some things, savour-

* Literæ Regiæ. Privileges, &c. p. 347—354.

† General View of Lord Mansfield's Decisions in Civil Causes, by Evans.

ing even of privileges were left out of Elizabeth's charters; and, that Hen. VIII. took away all the Popish; and for reasons weighty, legal, and authorized, viz. as being contrary to the laws and constitution of the realm. Cogent reasons also might subsist, or arise, and similar arguments would apply, with respect to lay Corporations. A violation of charters, unwarrantable, contrary to all justice, and wherein equity could give no support or relief; a discovery, that they had been conferred arbitrarily and iniquitously, or procured fraudulently, though the frauds might have been deemed pious; or a change in the laws, manners, religion, and turn of thinking in a country; such-like circumstances would justify, I conceive, the *resumption* of charters; (for as *the King never dies*, the same power which created would destroy) under these circumstances, government would but follow the order and nature of things *, the regular course of human events, which necessarily and immediately alters the relation of things. A state, that gives privileges, which are in reality mere acts of grace, (proceeding, as they often run, and as it is always implied, mero motu, speciali gratia et favore) and which

* Legal science, strictly speaking, stands on the same ground, and has in view the same object, *utility*, as morals: ultimately it rests on certain *principles*, which Aristotle calls either φυσικα or θετικα· the former being of a speculative kind, which the mind of man perceives to be agreeable to the order and natural appearances of things; the latter practical, (which he calls, κατα συνθηκας) which appertain to human actions: *Nic. Eth.* L. 1. what he says of political science, as appearing, on account of the differences and injuries which it contemplates, to be νομω μονον, φυσει δε μη, applies more forcibly to jurisprudence, owing to the complicated nature of man, his various relations, conditions, transactions, altercations, and changeableness in the state of society, (and hence, particularly in the English Law—its numerous *exceptions*, *distinctions*, *canons*, *cases*, *interpretations*, and the like) still as the Civil Law is admired principally for its *rules*, so is the Common Law, as being resolvable into *principles*. The excellency of our Court of Chancery, as a *Court of Equity*, consists in its proceeding by principles, being the very essence of our Common Law; one of whose admirable maxims is, Quæ rerum naturâ prohibentur nulla Lege Confirmata sunt.

imply not only conditions and obligations, but subsisting capabilities and possibilities, could not allow their continuance contrary to the genius and spirit of present laws and an existing constitution, with powers capable of injuring and retarding its new arrangements, its own regular, authoritative movements. On such maxims it is, that on the principles of the English Constitution, the acts of one prince do not bind, notwithstanding the form of speech sometimes used, his successors, nor the acts of a preceding Legislature those which follow. This is policy essential to freedom. Without it bad laws could never be repealed; nor good laws, which opposed them, be enacted. An existing Government, then, I apprehend, does possess this legislatorial controul, this reserved stipulation and condition, this essential, paramount capacity of withdrawing, as well as bestowing, Privileges; a capacity like that in a certain machine, wherein the same power, which raises a weight, can let it down. Lord Mansfield, then, was not infallible.

With respect to Q. Elizabeth's *Statutes*—Lord Mansfield speaks of the University's *accepting* and *receiving* them—He says, "The validity of these Charters turns on the acceptance of the University. 'When Q. Elizabeth gave these *Statutes*, the University,' &c. "Nor could the University mean to accept them (the Statutes) on any other terms *," which he had just mentioned.

Now the act of receiving implies something voluntary, a taking willingly, with a degree of pleasure or of satisfac-

It is a known maxim in our common law; Quando jus domini, et subditi concurrunt, jus regis præferri debet; nor less the following; Privilegium non valet contra Rempublicam.

Agreeable to these sound maxims of English law, are those positions of Aristotle's, being the true criterion of political justice, which is only morals, taken on its largest scale: Ει γαρ και ταυτον εστι ενι και πολει, μειζον γε και τελειοτερον το της πολεως φαινεται και λαβειν και σωζειν· αγαπητον μεν γαρ και ενι μονω· καλλιον δε και θειοτερον, εθνει και πολεσιν· η μεν ουν μεθοδος τουτων εφειται, πολιτικη ουσα. *Moral. Nichomach.* L. 1. c. 1.

* *General View of Lord Mansfield's Decisions in Civil Causes, by Evans.* Vol. I. p. 159.

tion; without that affection, the recipient would not be a free agent, the act of such receiving becoming the mere act of submitting. A brief examination of this matter may perhaps tend to place it in its true light.

Her Majesty gave her first charter to the University of Cambridge in 1559: between that time and the year, when she gave her large body of Statutes, which was in 1570, she honoured the University with a visit. This was in the year 1563; and on her departure, she addressed that learned body in a Latin speech. Therein she announced aliquod opus, which she meditated for their benefit—aliquod opus faciam, et quamdiu vita hos regat artus, nunquam a *proposito* deflectam—and, if she died before it was completed, still she said, aliquod egregium opus post mortem relinquam, quo et memoria mea in posterum fiat celebris, et alios excitem exemplo meo, et vos omnes alacriores faciam ad studia * vestra.

What our Church and University-Historian, Dr. Fuller, says, concerning this visit of Queen Elizabeth, reminds one of those ecclesiastical architects (it is well known that our old ecclesiastics and monks much studied architecture) *who* have sometimes so intermixed two orders in their churches, that they cannot be called one. So it fares with Dr. F.'s wit and management, with his complimenting, when combined with his candour and integrity. He says, "all were well pleased with this visit of the Queen." Yet by his reference to Sir Geo. Paul's Life of Archbishop Whitgift, p. 7, and by his own marginal note concerning "the *first Cause* of Mr. Cartwright's discontentment," he leads us to believe, that the latter was not well pleased; (Hist. of Camb. p. 139) and from the two following pages, that Cartwright was a very learned man †, the most popular

* Her Majesty's speech is in Fuller's Hist. of Camb. p. 138.

† Dr. F. possessed too much candour and learning, not to say, regard for his own reputation, to deny this. He calls Cartwright a great scholar, and admits, that he had the superiority over Whitgift in point of learning. As to

preacher in the University, and "his followers" the most numerous party in it: and, if Cartwright and his followers were not well pleased, (and there is every reason to believe they were not) it appears to have been more about what concerned their consciences, than the favour or displeasure of her Majesty. Dr. F. adds, "that soon after this, Cartwright went beyond the seas, and after his travels returned a bitter enemy to the Hierarchy." The fact, however, is, that his dislike commenced long before, even before Queen Elizabeth's visit, and he did not go to Geneva till after his ejectment from the Margaret-Professorship of Divinity *.

his learning, he was the person fixed upon by the most eminent men in the University as the best qualified to answer the Rheimish (Popish) Translation of the New Testament, published at that time: this he executed in one volume fol. 1584, with the names of the learned Cantabrigians prefixed, who prompted him to, and sanctioned, the work. It appears further, that Secretary Walsingham solicited him to undertake it, and it is thought, that Q. Elizabeth herself disbursed the money he sent him. Her Majesty had written to Beza to undertake the work, who recommended Cartwright as the fitter person for it, as the fittest person, too, in England, adding, that the "sun did not shine upon a more learned man." *Pierce's Vindicat. of Non-Conf. p.* 101.

* Dr. Fuller, in another point, gives over-measure to Dr. Whitgift (then Archbishop of Canterbury), and to Dr. Cartwright, proportionably less than his due. The Puritans, (who in the judgment even of their opponents were the most learned of the clergy), printed Admonitions to the Parliament, containing a Recommendation of their Platform, and Censures on the Established religion. The Ecclesiastical Polity of Mr. Hooker, a man of rare abilities and learning, may be considered as an examination of those principles, and as a vindication of the established church. To the *Admonitions* Archbishop Whitgift (a person very inferior in talent to Hooker) wrote an Answer; and to this Answer Cartwright was fixed on to make a Reply, (though he had no share in the Admonitions themselves, as it has been said he had). His Grace afterwards wrote a Defence, and Dr. Fuller, it appears, gives many conjectures on the reasons of Dr. Cartwright's silence, as though he could not, or durst not, answer it; when the fact is, Dr. Cartwright did answer it in two volumes, one printed in 1575, the other in 1577; and, which is more extraordinary, in the preceding page (Hist. Presbyter. p. 237, as quoted by Mr. James Pierce, (for I have not perused

But to trace this matter a little further back. When Elizabeth succeeded to the crown, eleven Popish Masters of Colleges were removed by her, to make room for an equal number of Protestant. There had been a similar removal (for the number was exactly the same) of Protestant Masters, to make room for Popish, on the accession of Queen Mary *; and in the University there were still some who kept snug, conformists to the church established, though secretly attached to Popery, such as had been Protestants under Edward, Papists under Mary, and now Protestants again under the reigning queen †. Such men, at least but half Protestants, might, probably, be well *pleased with* their prospects of preferment ‡, who yet could not be much

the work), Dr. Fuller himself quotes Cartwright's last Answer. But the Archbishop took the most effectual method of answering all Dr. Cartwright's works at once, and silencing him, by throwing him into the Fleet Prison.

Neither these remarks, nor those in the text, are intended as a defence either of the Presbyterian or Episcopalian Platform, nor of the Rheimish Translation of the New Testament, nor yet as a censure of either. My business lies in another direction: and all intended is, to throw a *few grains* of truth into that scale, in which Dr. Fuller has not given full weight. As to persecution, it was the order of the day in these times: whichever party gained the ascendancy, whether Popish, Prelatical, or Presbyterian (and each got ascendancy in its turn), its regular course was to call in the civil magistrate and to proceed to persecution: (it seems, indeed, to have been almost a necessary consequence of admitting the opinion, that the civil magistrate should interfere with religion at all; the opinion must be taken with all its consequences) and if both Papists and Episcopalians were severe persecutors of each other and of the Presbyterians (and it is sadly true they were so), it will be recollected that the Presbyterians took their turn, persecuting both Papists and Episcopalians, when they got into power.

* Fuller's Hist. of Camb. pp. 132, 135.

† Some of her ministers were of the same character, as one states who well knew. *Sir Robert Naunton's Fragmenta Regalia*, p. 12.

‡ This visit of Elizabeth to Cambridge reminds me of that farce that was

pleased with the new regulations, a compliance with which, (agreeably to a hint thrown out in the Procœmium of Eliza-

acted in *the former* reign before her Sister, though Philip and Mary, and Cardinal Pole, were probably *sincere enough* in their part, whatever may be said of some other performers. The King, and Queen, and the Two Estates of Parliament, were electrified with joy, on Cardinal Pole's appearing before them, after his restoration, in the insignia of his Legantine character, to resettle the Pope's supremacy, and to give a general absolution for all past disobedience. Ludovico Beccatelli says of this interview—"The King and Queen, and the Estates of Parliament, assembled on the day appointed, and the Legate was introduced with full pomp, attended with all the ensigns of his high character, &c. The whole assembly unanimously declared" (*what had they not declared in Edward's reign?*) "they would never swerve from their obedience, and *asking pardon three several times* for their former transgressions, begged his reconciled benedictions, which the Legate pronounced before them all, the King and Queen standing, and the whole House upon their knees, weeping tears of joy for so marvellous a blessing." *Life of Cardinal Pole.* But, says one of Beccatelli's annotators, the French Ambassador, who was present, saw the inward discontent that sat brooding over the hearts of many that were among them: "L'occasion de sa venue ameyne quelque regret a plusieurs." And he imputes their *apparent* satisfaction to the great cunning and subtlety of Gardiner's ministry, and the dexterous management of the Imperial Dollars.

Pole himself was probably very sincere, when he, in reference to himself and her husband, ventured to address her Majesty thus—V. Mæsta ha da ringratiar grandemente, perche la giunta insieme le due maggior potesta del mondo; cioe quella della Mæsta della imperatore, reppresentata nella Mæsta del Re, et quella della Santita del Papa, reppresentata *nella Persona mia.* But Bishop Gardiner—What must be said of that ecclesiastical *fox*? —He had been Chancellor of the University of Cambridge in a Protestant and in a Popish reign; had laboured to render Cardinal Pole (a far more humane and honest man than himself), while abroad, unpopular and obnoxious in England; and, in opposition to him, had written against the Pope's supremacy; yet, in the above interview—oh! what a mystery and riddle is a politician's creed!—he made a pompous oration, wherein "he returns thanks to God's providence, which had preserved this *angelic minister* for their sakes, who came to lead them out of darkness into light through this their *present* Act of Obedience" (comprehending submission to the Pope's supremacy) "to the Apostolic See, which their ancestors had always acknowledged." Archbishop Tillotson well observes, "Hypocritical piety is double iniquity."

One is reminded, by such conversions, of the sudden, glorious conver-

beth's Statutes *, well understood) became the conditions of them. For convictions and conversions are not to be suddenly made, except as harlequins turn quickly round in masquerade; in which character it must be confessed some acted their parts well, while Elizabeth assisted in shifting the scenes, by her fondness for Popish ceremonies. But conviction implies the exercise of reason, the approbation and sanction of conscience. And it is inconsistent with the order and progress of mind, incongruous with the process of moral principle, impossible in the very nature of things, that rational changes should take place in rational beings, with the same promptness, the same *instinctive* transitions, with which certain snakes, in putting off their skins, assume a different nature, and delight in different food; or with which caterpillars undergo the different transmutations in their progress to their most perfect state. The mechanism of the human mind is formed on very different principles; it proceeds by very different laws; and by powerful associations, by refined combinations, arrives at its conclusions on what is just and right.

This was well known to the Queen. She *understood*, thoroughly understood, while some persons were of more complying consciences, like the willow, easily to be bent, that others, with whom she had to do, were of materials more stubborn and unyielding; who, like the oak, could not be bent, though they might be bruised. She knew there were such men at Cambridge: it was in reference to them she speaks in the above-mentioned preface; Rursus crescente hominum audaciâ, nimiâq. Licentiâ, aliquas novas prioribus esse duximus adjiciendas. Negotia enim quæ de novo emerserunt, novo indigere auxilio facile cernimus; alluding, I apprehend, to what had passed between her giving her first statutes in 1559, and those given 1570.

sions of whole nations to Christianity by the accidental baptism, which might be merely political, of some reigning prince.

* Digni Regio favore, digni virtutis, ac literarum, præmio.

Whether then the University were well pleased with the Queen's visit, or no, and to whatever extent, the presumption would be, on the first glance, that they could not be much, and generally, pleased with her statutes. And, on a closer inspection, we shall, for certain, perceive they were not so. For, though it is supposed that some heads of Houses, assisted in the compilation and composition of the new Statutes, How was it, if the University were well pleased with this *Egregium Opus* of her Majesty's, that they could not be prevailed on, though solicited, to present her with an address of thanks,—the usual formality with that learned body, particularly where they have reason to be well-pleased? How was it that, on the contrary, there were open reasonings, secret murmurings, and direct petitioning against sundry particulars in them? In the Library of MSS. in Bene't College Library, there is a Petition* of 169 members of the Senate, Regent, and Non-Regent, against many articles contained in these Statutes; but they were obliged to take them all, for better or worse. Could they, under such circumstances then, be justly said to *accept* or *receive* these statutes? Were they not rather *forced* to take them? "*Mandatum necessitatem facit,*" said the Queen.

True it is, where opposition is fruitless, complaining will gradually die away. Law has a constraining force, and custom reconciles us to inconveniencies. And, as in the

* I have not actually perused this Petition, though I have had the curiosity to make a search for it; nor have I been able to find it in Mr. Nasmyth's Catalogue of the MSS. of C. C. C. So small a piece as a Petition may easily lie buried in a volume, and not have been taken into the list of Mr. Nasmyth's Titles of MSS.; or I may have overlooked it: but there can be no doubt of its being in this Library, it being referred to in that well-known controversy on the subject of appeals, maintained in 1751 and 1752, among the learned members of the University, who would never have referred to a paper, which had no existence, which they had not seen, and in a place where they might have been so readily contradicted, had they been mistaken.

present case, some of the more scrupulous and querulous would move off, less fuel being thus left to feed the spirit of discontent, there would be less heat among those who remained: there would be something more of unanimity, perhaps, on considering the existing state of things, more of conviction. Besides, we are naturally inclined to be pleased with the discipline in which we have been educated, and to approve institutions under which we derive advantages. Hence it is, that an accommodation (and Elizabeth's new regulations possessed much that was of a very mixed, ambiguous nature) will pass for reformation; expediency for reason; and passion for principle. What was passed amidst tumultuary movements, bringing opposite forces into action—like Montesquieu's famous division of three opposite political powers, to effect the balance of the English Constitution—is lost sight of under present quiet and feelings of enjoyment. We are, therefore, not to wonder—for, as through all the affairs of human life, so of political institutions, there is a natural order in events, binding as the laws of necessity—we are not to wonder, on finding among the Senatus Consulta sive Gratiæ, a Grace, May 3d, 1603, for the Commemoration of Queen Elizabeth (on occasion of her death) " for the innumerable and unspeakable benefits which she had conferred on the body of the University*." In contemplating her talents, learning, and success in abolishing Popery, and the great energy both of her civil and ecclesiastical administration, they would not be at leisure to remember their complainants, nor the body of sufferers; and, on having fresh in their memories the confirmation of charters, the enlargement of privileges, the liberal manner in which she certainly fostered and rewarded literature, they would too easily overlook, and indeed they were now taught to be reconciled to, the encroachments which she had undoubtedly made on their civil and religious liberties. When

* Privileges, &c. p. 227.

we are gratified with our present situation, we are not apt to disturb ourselves with rigid calculations; and whatever our feelings may be, gratitude is *the Aaron's rod*, which swallows up all the rest.

There is one remarkable passage in this Grace: "wherein we shall not only perform our duties, but also give occasion to her successors, for our mindfulness of her Majesty, to esteem the better of us:" and the very same year, Jan. 9th, it is *supposed*, was passed the famous Grace de oppugnatoribus Ecclesiæ Anglicanæ; though, in fact, it never was passed*.

This impassioned embalming of the memory of Elizabeth had too complimentary a view on James I.; he read it right, and he began his reign with imposing a new test of obedience; which new and much stronger test of obedience was followed by his order † for subscriptions. But, though the doctrine of *divine right* and *passive obedience*, broached in his reign, gave a mystical charm to the royal proceedings, yet not unfrequently it happens, that men flatter princes, while not convinced by their measures, more plausibly allured, and more outwardly gratified, with what may be profusely given, than inwardly pleased, or conscientiously satisfied, in receiving it. Such was often the case in these times‡; and, in

* Though this Grace is in the printed Book of Statutes, it was only copied from the Vice-Chancellor's Book, and is not to be found in the University Grace-Book, where only it could have official, legal existence. Consequently, though some may *presume* that such a Grace was passed, there exists no proof; and, therefore, whatever may be said of Queen Elizabeth's Statute de Concionibus (cap. 45), that Grace must be considered not merely as one of the many obsolete Graces, but as a nullity. See *Mr. Frend's Trial.*

† Privileges, &c. p. 347.

‡ It was in reference to a person of this character, one of puritanic principles, who accepted a Bishopric in James the First's reign, that the following lines were written:

Solatur frustra conjux, solantur amici,
Et medicum accersi sedulo quisq. jubet:

the present instance, the law just alluded to plainly indicates, there was a strong tendency to discontent; and the perturbed, diseased state of the body appeared from the swarms of sectaries, which began to spring up in this reign, and which continued to rise in greater numbers, and with a more sensible, busy noise, for several years afterwards.

James I., though no friend to military tactics, was much attached to ecclesiastical. In addition to Elizabeth's Statutes, and his own three "darling articles," he must needs surround the University with his canons and ecclesiastical jurisdiction; though, it must be confessed, "only so far forth as they concerned divine service:" for his Majesty himself maintained, "it was held, that the spiritual *jurisdiction* of the University of Cambridge, and of all the students and members of the Colleges there, belonged to the Chancellor, and the subordinate ministers of the University, or the students and members thereof, *as they are collegiates; except in case of special visitation;* which privilege of the University he was not willing to have infringed." His Majesty's words run thus: "First, we do command, that all the ecclesiastical laws, canons, and constitutions of this our Church of England, so far forth as they concern divine service, be duly observed in all and every the Colleges, without immutation, upon any pretence of local statutes whatever*."

Towards the members of the University the language and temper of James were those of high authority†; towards the

Sed dare solamen nemo, dare nemo salutem
Te præter poterit, Rex Jacobe, mihi:
Quæ corpus gravat atq. animam simul, exue mitram
Huic capiti: hujus onus me premit et perimit.

Piercii Vindic. Noncon. &c.

* Privileges, &c. p. 351.

† Ibid. p. 354.

town, while complimenting the learned body, somewhat contemptuous; and he would not allow it to be a *city* *.

The case of many who complied, as well as of many who receded, were alike so many testimonies against certain particulars both in the Statutes, and in his Orders and Injunctions.

Charles I. by his Injunctions, May 4th, 1629, ordered "that all those directions and orders of his father, which at any time were sent to the said University, should be duly observed and put in execution;" among which were some, which would remind his Majesty of certain advice given by James to his son Henry, when in Scotland, directing his conduct to a large body of men, some of whom had made a considerable figure in the literary world:— "Do not suffer them," said he, "if you resolve to live in peace, to enjoy the same country with yourself, unless, mayhap, for trying your patience, as Socrates lived with Xantippe †."

With respect to those members of the Universities who continued obedient to his and his father's Injunctions, he was sufficiently gracious ‡; and in matters which kept the town in its accustomed subjection to them by his confirmation of their most ample privileges, liberal enough towards them; though how far consistently with the nature of commerce and the liberties of the town, is another matter. The case, however, alluded to, refers rather to their charters, than their statutes.

In this prince's reign there continued to spread the spirit of discontent and strife, about doctrines, particularly with

* Non honestatur plebeiæ civitatis appellatione musarum domicilium: vel sane literatorum dicatur civitas: vel quid in villæ nomine vile est, incolarum tegatur celebritate. Privileg. p. 346, which passage in page 346 the reader is desired to *correct* by this.

† Jacobi Op. Δωρον Βασιλικον.

‡ Privileges, p. 143. *About settling the price of Victualia et Focalia*, Dec. 4th, 1629. Compare Queen Elizabeth's Charter (Privileg. p. 124) with the above Order in Council by Cha. I.

those who afterwards fell in with the views of the Parliament. This discontent and strife the statutes of Elizabeth, the articles of James, and the measures adopted by Charles, were ill-qualified to allay. Towards Oxford the King authorized a visitation, by Archbishop Laud, a person little acquainted with the healing art, incompetent to bringing learned men into union on the noble principles of civil and religious liberty. This visitation appears to have been engaged in by agreement between the Archbishop and the King, without the advice of his Lords in Council *; a circumstance scarcely worth noticing, of Charles, who governed the nation at large without once taking the advice of his Parliament, and even, as we have already seen, without calling one, for many years.

During the Commonwealth, a plan was in contemplation for the reformation of the Universities: and for reformation there was abundant room. It does not appear from *the Solemn League and Covenant*, nor from Mr. Prynne's famous Speech in the House of Commons, already referred to, (the best authorities on this subject) that the Presbyterians were hostile to a King, while ruling with a Parliament, nor averse to kingly government, properly limited; but that they were totally unacquainted with the principles of religious freedom: it does not appear, that they wished to disperse the property of the University, but only to appropriate it to their own party: it does not appear, that they aimed to annul Charters, Privileges, or Statutes; but merely to jostle

* Dr. Johnston ("The King's Visitatorial Power asserted," &c. p. 252), who so strongly supported the arbitrary measures of James II. against the Master and Fellows of Magdalen College, Oxford, on the subject of Laud's visitation, speaks of the "*King's Order in Council*;" but there is no mention of the King's Council in the Archbishop's Petition to the King; and the King's *Answer*, dated Hampton Court, 22 May, 1630, runs thus—"His Majesty is graciously pleased to grant this Petition, and to hear all parties upon Tuesday the 14th June, when all parties are to attend with their Council, or otherwise, as they please."

out the party * unfavourable to their plan, and to hedge in their Discipline, Directory, and Doctrines, to fill up the gap—All, Vahity of vanities, and Vexation of spirit! Little benefit is obtained in altering a form, while the principle is bad—The schemes of the Papists, of the Episcopalians, of the Presbyterians, were each alike inconsistent with the nature of a lay-corporation, hostile to the claims of literature, and destructive to religious liberty—Non tali auxilio—Rotten buttresses can prop only weak edifices, and give no support to such as are strong.

One and all then in these times, had reason to complain of some existing statutes and orders, or of such as it was intended to be put in force. They all stood in the way of "unity of Spirit, in a bond of peace"—"Do men gather grapes of thorns or figs of thistles?"

Without scrutinizing into the views of certain pretenders, and their predominant peculiar errors, certain it is, there were among them many who were friends to literature, and

* As is clear from the *Querela Cantabrigiensis*, (p. 19 to the end) though this is rather an enraged account of the process in ejecting the Royalists from Cambridge-University, than a statement of the rules for the admission of the Parliamentarians. *Wood's Hist. et Antiq. Oxon.* Lib. 1. from p. 369 to p. 414, contains a minute account of both. The first article in the Solemn League and Covenant, to be sworn to by members of the University, even the scholars, reads thus—Conabimur insuper Ecclesias Dei in tribus his Regni ad Arctissimam (quam fieri potest) in Religione, Fidei Confessione, Regiminis Ecclesiastici Formâ, Directorio Cultus et Catechismi, Consentionem et Uniformitatem adducere, &c. Whoever has read this *Confesso*, &c. will see that the Covenant left no room for a grain of liberty. The Chancellor (the Earl of Pembroke) took the following oath:—"Fidem tuam astringes ad observanda Statuta, Libertates, Privilegia, et Consuetudines hujus Universitatis, *rite stabilita*, ita tamen, ut autoritati et Potestati Parliamentariæ subjaceant; atq. id præstabis quoad ex munere et officio ad quod admissus es evocabere." And it is clear, from the ambiguous manner in which the public orator speaks of the University-Statutes, and of the Divine Statutes, (presenting him, at the same time, with a New Testament in English) that they had it in contemplation to *reform* the Statutes, according to *their exposition* of the New Testament, i. e. according to the doctrine and discipline of the Church of Geneva.

well affected to the true interests of civil society. But as disease retards the genuine functions and affections of the natural body, so will intellectual and moral depravity those of the political; and, as in the former the soundness of the constitution is the best security against some maladies, so are principles well ascertained, rightly, producibly organized, and fairly directed to the happiness of the latter, the true, the only security against a corruption as well of the body at large, as of detached members of it. *All* plans, short of this, short of equal liberty and impartial justice, having, like chance, no final cause, are exposed to every wind. It was in part, through a misconception of facts, and not applying the experience of former times to the existing circumstances, through not ascertaining the sound permanent maxims of political science, and not combining them into a scheme for public good; but most of all, it was through the ambition, covetousness, and hypocrisy of mere pretenders to reform, as Milton *, who was so well acquainted with the men of that period, honestly confesses, that the hopes and expectations of many good men failed †.

* For worldly-mindedness, under the mask of piety, as it is the most insidious, so is it often the most pernicious, of all the workers of iniquity.

† While describing very forcibly the practices of those "who had no mean sway both in Church and State," and admitting there were among them some men of wisdom and integrity, he observes, "the rest, (to be sure the greater part) were men whom wealth or ample possessions, or bold and active ambition, rather than merit, had commended to the same place, a seat in the parliament."

Of the Clergy, he remarks, "These conscientious men, ere any part of the work was done, for which they came together, and that on the public salary, wanted not boldness, (to the ignominy and scandal of their pastorlike office, and especially of their boasted reformation) to seize into their hands, or not unwillingly to accept (besides one, sometimes two, or more, of the best livings) collegiate masterships in the Universities, and rich lectures in the city, setting sail to all winds that might blow gain into their covetous bosoms.—And again, "while they taught compulsion without convincement, which not long before they complained of as executed unchristianly against themselves; these intents are clear to have been no

Whatever there may have been in the *Orders* of *Oliver Cromwell*, they were all, by a Grace, April 27, 1661, blotted out of the University Records; but the Graces passed between 1642 and 1659, inclusive, were suffered to stand; and, with the exception of one (which it seems has never been acted on), they appear to be unexceptionable: those which tend to suppress needless expenses, on taking degrees, to set aside obsolete statutes, and to prevent or blot out the guilt of perjury, are entitled to particular respect. They may serve, too, as a testimony against the nature and tendency of some of Elizabeth's Statutes.

Charles the IInd then was restored, but broke faith with his subjects by violating the Treaty at Breda, as effectually as Louis had with the French Protestants, by the Revocation of the Edict of Nantz. But to pass this—he chose to keep things in the same order at Cambridge-University, in which Elizabeth and James left them. The Act of Uniformity operated on our Universities, as well as on the Church, by ejecting several Masters and Fellows of Colleges*. This Act may therefore be considered as a Declaratory Act, explaining, by enforcing, the sense of certain

better than antichristian; setting up a spiritual tyranny by a secular power, to the advancing their own authority over the magistrate, whom they would have made their executioner, to punish church-delinquencies, whereof civil laws have no cognizance."——

—"Thus they, who of late were extolled as our greatest deliverers, and had the people wholly at their devotion, by so discharging their trusts, as we see, did not only weaken and unfit themselves to be dispensers of what liberty they pretended, but unfitted also the people, now grown worse, and more disordinate, to receive or digest any liberty at all." Introduct. to the 3rd Book of his *Hist. of Britain*. It will be found in the edit. of his Works, 2 vol. fol. 1738, and the subsequent edit. in 4to, but could not, for obvious reasons, be inserted in the former editions. It will be also found in Mr. Baron Maseres's edition of Milton's History, published separately, in 1818.

* Calamy's Abridgement of Baxter of Ejected Ministers. Vol. III. p. 114.

Statutes, and Senatus-Consulta, given by the reigning powers, and so considered by those who suffered under them. Hence the *Dissenting Interest*, those various classes of sectaries, as they are called, who were thenceforth to be considered not as disaffected and suspected regiments, within the garrison, but as hostile companies without; who, if they have not always violently opposed, have never heartily approved; and if not frequently attacking the citadel, have been often found assailing the outworks.

It appears, then, that the arrangements of our academical discipline and regimen, from its commencement under Elizabeth to the last Orders of Charles II. at which period this our Book of Privileges closes, have never been so perfect, as to require no correction, nor so liberal, as to silence all complaint. On the contrary, there has been left in them much room for both. They have resembled houses in danger of falling into ruins, which frequently want repairs; or bodies standing in need of the medical skill of very heterogeneous practitioners, by their tendency to some accidental or constitutional, indescribable disease. Hence frivolous controversies, violent commotions, hostile divisions, and painful separations; while these altercations, having terminated, at length, in the ascendancy of one party, were followed by obsequiousness towards the authority, which oppressed the other. Hence flattery, which while it deteriorated genius, gave confidence to arbitrary power *.

James II. if he did not annull statutes, over-ruled them; if he did not absolutely sport with the oaths of the members of Magdalen College, he claimed the privilege of dispensing with them,—in asserting deference to his own power, while claiming a right to expel them, if refractory; and of giving absolution to them, if, in obeying his orders, they violated their oaths. One of his ecclesiastical Com-

* Decora Ingenii, gliscente adulatione, deteiorantur. Taciti Annal. L. I.

missioners *, it must be acknowledged, managed part of the dispute with plausibility, urging, that while the members pleaded Conscience against a Royal Dispensation for violating some statutes, which favoured their interests, they gave themselves a dispensation for others, less favourable to their inclinations; a charge, which, though in the first instance brought only against a particular College, might have been extended to the statutes of the University, its members at large, and the Bishop among the rest; for, at the time, many of those statutes had become obsolete, and of no effect. Taking laws for obsolete, implies a present rejection of them; an habitual disobedience to such as are still in force, no cordial approbation.

At the Revolution in 1688 the defects in our Universities did not escape notice: the principles on which the new establishment was founded, naturally inclined to a reformation, and ought to have effected one: but the evils, with many others, which concerned the state, were left without remedy. Our Mater Alma Universitas, in a rational point of view, is possessed of vast capabilities, and claims the most serious attention of every upright statesman. She is the fæcunda propagatrix studentium: from that tree of knowledge, whether of good or evil, planted by her, the fruits are conveyed into every department of Church and State; and shoots from it transplanted into every part of the island, present their leaves even to the most secret and remote corners. But—"the leaves of that tree,—have they been for the healing of the nation?"

It is said, that Mr. Locke had an interview with K. William on this subject, at the beginning of his reign; and that after observing to his Majesty, he had made "a most glorious and happy Revolution," he added, "that it would all soon go back, if no reformation was made of our Universities;" on which the King confessed, that "there was

* Bishop of Chester.

something in what Mr. Locke said." But a certain Peer, it seems, suggested, that "Mr. Locke was a mere scholar," not, I suppose, a man of the world. And, it is true, he was not: but he was an honest, independent man; he understood the nature of the mind; the instincts, inclinations, and passions of man; the laws of education; and the principles of civil and religious liberty. Such a man was Locke. Such men, and such men only, are qualified to reform States and Universities; and had there been at this time wisdom and principle enough to employ such a person, with other enlightened and upright Commissioners, the mind that conceived the Essay on the Human Understanding, the Letters on Toleration, and the Treatises on Government, would undoubtedly have suggested a plan, not very consonant, indeed, with our present system of restrictions and exclusions, but more favourable to genius and intellect, to virtue, and true religion. It would have breathed more of the spirit of peace and benevolence; and by losing sight of the little views of ecclesiastical time-servers and state-empirics, might have been worthy of the British nation.

This division, then, of the present *Dissertation**, though it set out somewhat hypothetically and cautiously, might have been expressed more generally, and with a tone of greater decision. For the facts stated here, under this second head, may be received as distinct proofs, shewing, that, as our Universities were not originally formed of the best materials, nor established in the most auspicious times, nor confirmed under the most favourable circumstances, they required much subsequent reformation. We are, however, now speaking of the regimen, and economy of the place, not of its literature.

And as the facts so deduced from the commencement of our academical establishment to the Revolution must de-

* See pp. 470, 471.

monstrate that it possessed some original disease, so would the testimonies, which could be produced from that period to the present, that as yet no remedy has been applied. But, for the present, we defer testimonies: for, by the crowding of our pages we should lose sight of our immediate design, which was, to bring this matter within its true point of sight, by contemplating the active exercise of the proper authorities, on the supposition that a reformation should ever be required in our Universities. Whether, when, or by the course of what events, a reformation may be ever promoted, cannot fall within the view of the present times, and as I do not profess to foresee them, so shall I not presume to inquire into them: but that a reformation is required, the preceding facts amply shew, and the testimonies hereafter to be produced will more abundantly confirm.

II. In a machine, which is curious and complicate, though it may not be constructed on the most liberal and best-contrived principles, we may expect to find much of order and proportionate arrangement; and in an institution, where the formation of the human character in the most critical period of life is a leading object, we may look for many wise regulations to preserve good morals; where the interest and honour of the clergy have been much consulted, we may expect, that a sufficient respect has been shewn to the exterior forms of religion, and, where it has been necessary to preserve the due equilibrium of authority and subordination, to meet with a display of much œconomical wisdom: hence many prudent restraints, many wholesome correctives, much liberal encouragement, and many salutary laws. Regularity is the machinery which keeps the whole in due exercise, and the statutes are the hinges on which it turns.

Accordingly, each particular college is here provided with its peculiar laws or statutes, given by its original Founder, or by some visitor, appointed by him, for the

purposes of discipline, for the encouragement of good morals, and the correction of immoralities. Here, to each officer is assigned his proper duties: in some cases of discipline or reformation, the Master acts alone; in some the Master and Dean conjointly; in others the agreement of the Master and a majority of the Fellows is required. Several of the old statutes, by the consent of the Society (and some colleges by the statutes themselves possess this authority) pass *sub silentio;* others become obsolete, though never formally repealed; and being virtually abolished, by a new order of things, they die naturally away. Thus the statutes made in popish times, without any repeal, have no force nor obligation now, by each member's taking a new oath of supremacy, and by the use of the Protestant Liturgy established by law.—Then there follows the Visitor; and he possesses very great authority: for to a certain extent, he can give new statutes: to him as a virtual judge are submitted, in the way of appeals, all matters of a doubtful nature, or in which any power has been strained beyond its proper bounds, or in which any undue severity of punishment is supposed to have been exercised, or which, in the interpretation of the College Statutes, admits of litigation: and the decree of the Visitor has been pretty generally considered final; so that even on a rehearing in a civil law-court, (as sometimes has taken place) the decisions have turned with a deference reserved for his authority. Yet, after all, the sphere of the Visitor is limited as to the objects which it can embrace. For the purpose of any essential reformation an ampler sphere is required; and in this the supreme Visitor's authority alone (for hitherto I have been speaking only of the local Visitor) can act—that must give the original motion, and direct all its course. In the *form*, in which James II. acted towards Magdalen College, though in an unconstitutional spirit, we may, in some sort, contemplate the principles and authority by which Harry VIII. Edward VI. Mary, and Elizabeth,

severally acted in their reformations; that is to say, by the introduction of a new state of things, which virtually and immediately set aside the old; or by Commissioners, exercising the office of supreme visitators, delegated to them by the proper constitutional authority.

Colleges may be said to be Universities in miniature; and Universities admit of remarks similar to those on Colleges. The former, in like manner as the latter, have their established laws, their acknowledged duties, in reference to members, according to their proper rank, or some specific appointment and designation to office. The Chancellor, and Vice-Chancellor, with the Proctors, Taxers, and Scrutators, the High-Steward, the Caput, and Senate, comprehending the Regents and Non-Regents, and the like, each hath his appropriate place in the regimen and œconomy of the University. Here then, for the purposes of active reformation, there seems an assemblage of power; and there certainly is. Here that power appears to be great; and it undoubtedly is great: for by it not only is the ordinary discipline of the place maintained, literary pursuits are encouraged, public degrees conferred, smaller neglects and offences punished;—but the Vice-Chancellor, as we have seen, holds his regular Court of Law, where criminal causes are tried between party and party, and the Chancellor, with the consent of the whole University, can make new Statutes. Here the work of reformation is seen in the ordinary discipline of the place, moving visibly according to prescribed limits. All the points alluded to here, are distinctly and fully described in the body of Statutes now before the reader, and to dwell on particulars would be both tedious and superfluous. But I beg leave to bring before the reader once again the following Royal Statute: Cancellario cum consensu totius Academiæ licebit *Nova Statuta* ad eruditionis amplificationem et decori et honesti conservationem, inter Scholasticos haben-

dam, sancire; sic ut ea *his decretis nostris nihil detrahant aut officiant*. Stat. Eliz. Cap. 42, ad finem.

Now though, on first view, the power here permitted and acknowledged seems considerable, yet, on closer inspection, it will be found, and from actual experience it has been found, that it leaves no capacity for any enlarged improvements, any liberal amelioration and reformation; and though it may be sufficient for the current wants of the day, and the occasional duties of the place, yet we see that it is allowed with a most significant and important reservation; that it extends only to what is called in the schools, *accidents*, not to *substance* or *essence*, leaving no room for the exercise of any great principles, which, where things widely deviate from philosophy, are the fundamentals for true reformation. This capacity resides with the primary Visitor alone. The ordinary governing powers, when seen in actual exercise, are but the secondary wheels of a great machine, deriving all the strength which they possess from the primary force, and which can only act to a certain extent. To produce any new unusual effect, the first great power of the machine must set off with new force, and give to the machine a direction entirely new.

Now the authority of the primary visitor has been discussed much at large: it has been seen, that, according to the principles both of the common and civil law, as well as ecclesiastical, it resides in the supreme power, administered by the prince or princess for the time being: but, an English king not being one *qui regaliter regnat*, by his sole personal character, (on the principle which the Greeks call παμβασιλεια)* but in his political, with a parliament,—it may be more properly said to reside with the king, cum parliamento suo†: and this idea was so familiar

* Aristotelis Polit. lib. 3, cap. xv.

† Fortescu de Laudibus Angl. Cap. 36.

to our most arbitrary princes (I mean the Tudor and Stuart race) that for what they framed, too much frequently according to their own personal discretion, or the strictly monarchical character, they took care often to obtain the constitutional gloss of an Act of Parliament. Some of our lawyers have had no opinion, or rather a very bad one, of Queen Elizabeth's statutes; but those who think they were not properly ratified, or at furthest, as one expresses it, *only confirmed in the gross*, such must allow, that had they been regularly and completely ratified by Parliament, they would have been strictly constitutional and binding. But to act first, and make the law afterwards, was certainly a crablike movement in politics. It was placing the *posse* of the thing before the *esse:* whereas the reformation of corporate bodies, proceeding by a certain rule, should in some sort be seen, before it is felt. It begins at a settled, visible, acknowledged point, and then only proceeds in a right, regular, constitutional course.

Sentiments similar to these weighed seriously, (and it should seem justly) with many conscientious clergymen, who scrupled to read James the Second's *Declaration* in their churches. It was urged by the king's party, that the principles contained in the *Declaration* were *intended* to be formed into an act of parliament; and that what the king graciously thus proposed to *effect*, it was the duty of the clergy to read. And thus far seems true, that—the church of England being a parliamentary church—the clergy ought to obey the parliamentary decisions; or, if they cannot conscientiously obey, conscientiously to retire. But here arose the question on the other side—How can we read that as a parliamentary church, which the parliament has not yet decided*? This was putting the question wisely, and in

* "It is to teach," said a conscientious clergyman, "the dispensing "power, which alters what has been formerly thought the whole Constitu-

its proper place; and here, if the clergy who refused to read the Declaration, acted concientiously, they also acted constitutionally.

But, how did the active powers of the supreme Visitor move with respect to reformation, at the Revolution in 1688? and where, according to the principles of the Revolution, does it now reside?

The active powers of the supreme Visitor were not seen to move at all at the Revolution: so far as simple toleration went, the Prince of Orange had consented, that the Papists in England, Scotland, and Ireland, should be suffered to continue in their religion with as much liberty as was allowed them by the States of these provinces, (the United States) "in which it cannot (I am quoting the words in a Letter understood to proceed from the Prince of Orange) be denied they enjoyed a full liberty of conscience; and, as for the Dissenters, their Majesties did not only consent, but did heartily approve of their having an entire liberty, for the full exercise of their religion, without any trouble or hinderance; so that none might be able to give them the least disturbance on that account." They further agreed, if K. James should require it, "to the repealing of all penal laws, provided that those laws remained still in full vigour, by which the Roman Catholics were shut out of both Houses of Parliament, and out of all employments ecclesiastical, civil, and military, these being, as it was urged, necessary for the security of the Protestant religion; and that by them the Roman Catholics received no other prejudice than the being excluded from parliaments and other public employments; and that their highnesses also believed that the Dissenters (towards whom the same provi-

"tion of this Church and Kingdom; which we dare not do, till we have "*the authority of Parliament* for it." *A Letter from a Clergyman in the City to his Friend in the Country, containing his Reasons for not reading the* DECLARATION. May 22, 1688.

sions were to be made) would be fully satisfied when they should be for ever covered from all danger of being disturbed or punished for the free exercise of their religion, upon any sort of pretence whatsoever."

These were the sentiments of the Prince of Orange, expressed before he was called to the crown of England, in a Letter written by Myn Heer Fagel, Pensioner of Holland, May 2, 1688; and on these principles the Revolution turned and was settled.

Now we have already seen, that the employments in our Universities are of a civil nature; and it of course follows, that Catholics, and Dissenters, as such, are, according to the condition, in which matters were left at the Revolution, excluded from them. So far then as conscience was concerned, it afforded considerable relief, by the repeal of certain penal laws; still it was thought that too many things were left as matters of privilege; that the Revolution, therefore, in 1688 was a very partial reformation; and that the Catholics and Dissenters had still reason to complain of many civil deprivations; and, among others, of being debarred of the advantages to be enjoyed from studying in our Universities.

Where then—to return to the other question—where, on the principles of the Revolution, do the acting powers of the supreme visitatorial authority over our Universities for any purpose of reformation now reside? Precisely where they did. We have had occasion to notice Mr. Locke's testimony to King William, "that if his Majesty did not reform the Universities, things would go back again:" and, also, that in the Declaration of Rights no notice is taken of Universities, except in those more general terms, which relate to all Corporations; the import of which was, that there was no intention, notwithstanding any new face of things, to interrupt the liberties and privileges of corporations, nor to deprive them of their property and possessions. There had been an act similar in principle passed in Mary's

reign: this was in consequence of a petition to the Queen, that notwithstanding the Popish succession, all church-lands disposed of to laymen should be settled on their possessors for ever; which act was confirmed in full Parliament, by the Queen, (Cardinal Pole acting, too, as Legate a Latere from the Pope) by the Clergy, by the Lords and Commons. This act secured the manors, lands, tenements, &c. of all Colleges, Hospitals, all Bodies Politic or Corporate, &c.*. But how far was this act supposed to extend? Was it proposed by it to take away from the proper authorities the right of supreme visitation? Was it designed to prevent such reformations at any future period, in Colleges and Universities, as according to the rules of such visitations, and the public state of things, at the time, might be deemed expedient? Far from it: so far from it, that we find there was an active visitation made at the beginning of Mary's reign; that a reformation was entered on, agreeably to the national establishment at that period; and that a new Body of Statutes was actually prepared for the Universities.

The political measures of the Revolution affected no great principle of the English Constitution; the Bill of Rights being in fact only a declaratory act: it reformed some public abuses, and promoted some public improvements; but it made no alteration in the common, civil, or ecclesiastical law: and, though it secured the privileges and properties of corporations, it took no prerogative from the crown. The supreme visitatorial authority, therefore, over Universities, as over all other corporations, for all the authorized purposes of correcting abuses, and of lawful reformation, was, punctum stans, immoveable and fixed. This could not have been altered, had King William even wished it. Had he said, "Gentlemen, I leave the vessel entirely to your guidance; you have all your property on board guaranteed by me; you may sail in your own strength and confidence to whatever coasts you please, and to those ports

* 1 and 2 Phil. and Mary, ch. 8.

where it is not your pleasure it should enter, it shall never come. We not only secure to you all your property, but, though we also have a cargo, a great interest on board, we forego every claim; we resign every right to you: we give all the profits, and every expectation, every right of inquiry and investigation, though handed down to us from time immemorial, we surrender every thing to you, your heirs and successors, being of the same religion with you, for ever; and expect no responsibility from you either to my government or me."

It will easily be believed, that neither King William nor any Vir bonus, or minister for him, could ever make such a speech; and for this obvious reason—such words would have been nugatory.

But suppose he had: imagine, further, that he had even subjoined—"Gentlemen, I insure all this to you not only in my own name, but in behalf of all the successors to the crown of England; and the Parliament secures it to you not only for itself, but in the place and on the behalf of all future parliaments." To what would this have amounted? It would have been only plunging deeper in the mire, with fewer means for extricating themselves; only adding a few more words, with a little less meaning; only giving a more ample promise, with less opportunities, and reasons, every day decreasing, for the fulfilment of them: for it is obvious, that no prince, by his promises, can bind his successors; and that no existing parliament can give laws, that are binding on future parliaments.

But, not to multiply words unnecessarily, we may perhaps be allowed to catch something of the spirit of the Revolution in 1688, and to strengthen our language by it. For it may be said to have elucidated some principles, and to have declared them more fully: just as a blazing torch may pass hastily through the avenues of an ancient building, and spread about light, without sufficiently exploring some secret chambers, and not without even terror and apprehensions of the

conductors, so the Revolution afforded some truths, and conferred some benefits: it exposed certain futile pretensions; it restored to a certain extent civil liberty; and confirmed our constitutional principles. But though it was a good step, it stopped too soon. With respect to Universities, it may be said "to have left the Minster as it found it." For that event did not reach them: if it made any new discoveries, it effected no real advantages. Still, enabling us, as it did, to see more fully the proper boundaries of the Constitution, and the privileges belonging to each part, it authorizes us to speak on them more incontrovertibly; and, also, in conformity to them, to say less ambiguously, that, agreeably to its maxims, then declared, and settled, this right of supreme visitation over our Universities, (to which point only this Dissertation tends) for the purpose of giving new regulations, any essential reformation, and for accommodating it to any recently established state of government, or to any supposable better state of civil society—that such authority still rests where it did, in the king and parliament of the united kingdom. But, as to the discordances which were perceived by the pure reason of such men as Mr. Locke, so at variance with the harmony of states; and those claims on conscience, so inconsistent with every thing sacred in morality and religion—these still remain: the favourable opportunity passed away, like fine weather, in the time of harvest, when nothing is done. The grain was ripe; but those who ought to have reaped, were not ready. The active powers of reformation were rather seen than felt, seen in principle, not felt, never realized in practice.

And here it may be proper to check the reader—(he has been so checked before) from supposing, or myself, if I have led him to suppose, that I have been treating, philosophically, on "the Laws relative to Education." I have been stating facts, not ascertaining principles. It is a fact, that English Universities are civil corporations; that as such, they are invested with privileges from the legislature; can possess property; may have a public seal; and are subject to

certain statutes and forms, for their government and order; that they are national corporations: these are all facts; and it is a fact, that the authority, which first gave them legal being, as corporations, still remains, and, on proper occasions, in the way of supreme visitation, may be called forth; that the legislature, as guardian of the public interest, without encroaching on the limits of a University's authority, still holds over it an original prerogative, its paramount right of controul; and that as guardian of the public interest, it is its duty to regulate such a corporation, for the happiness and utility of the commonwealth. These are all facts. Had I been speaking of Universities, and the Laws of Education, according to Nature and Science, I have a few sentiments on Universities still reserved, somewhat in harmony perhaps with Adam Smith, in his WEALTH of NATIONS: and certainly I do not think with Montesquieu, that the *Laws of Education*, (though it is a fact, often a too serious one, that they do) *ought* to relate to the principle of Government; a maxim, which would defeat the aim of the best political writers on Education, and confound that as a monopoly, which ought to be left free, in a Republic of Letters *.

III. I proceed next to consider what there may be supposed to be in the present Constitution of Universities, which seems to require reformation.

And here, perhaps, the writer may be allowed to acquaint his readers, that more than 30 years ago he was encouraged by several gentlemen of Cambridge to undertake an INQUIRY into the Nature of Subscription to the 39 Articles, it being understood that he had turned his thoughts more particularly that way; and that the work led him into a wider field than he was at first aware of, comprehending a variety of particulars, which concern that learned body. This circumstance led to something more of familiarity than he should otherwise have had, with a few topics, which now

* See *Mr. David Williams's Lectures on Montesquieu's Spirit of Laws.*

force themselves again on his notice, so as to occasion at present a feeling rather of delicacy, than of difficulty. The delicacy of the subject he feels in a very high degree—partly from his own incompetency; and partly from an unwillingness to give pain to any good man, or to afford him an occasion of censure. The reader has already been told how insensibly, and without design, the present work arose: he is now further informed, that he has already found his punishment in his own feelings: but he thinks no one has a right to censure before he reads; nor to condemn before he suffers himself to comprehend the writer's entire views.

To counteract, in some sort, his own feelings, and to guard against, if possible, the imputation of too much vanity and presumption, the reader is further informed, that the narrative must be understood to proceed now as much, or more, according to the sentiments of others, than in propriâ personâ. The vouchers for what follows will be, men, who were acting members in the University, men of considerable abilities and of acknowledged integrity, or, at least, were of some rank in the literary world, and once members of that learned body: and, though it may not in every instance be necessary to refer to the particular persons, or the particular page of a publication, the reader who has perused the preceding pages will stand in need of no directory.

1. The first point to be noticed here concerns obsolete statutes, that is, such statutes as in act have no force, though in theory they still bind.

And here I do not propose to touch on those things, which come within the reach of particular colleges, the powers of the University, or the authority of the local visitor. What concerns the expenses or any immoralities incident to the place, the fashions of dress, the modes of education, in short, all that belongs to the more peculiar province of academical governors and reformers, any further than it appertains, also, to the public statutes, falls not within our present contemplation—yet I cannot pass without cheer-

fully acknowledging, that in several particulars, of this description, there have been within these last 50 years many improvements introduced. Though the forms of matriculation continue the same, the terms for the admission of students are not in all cases so rigidly enforced; public examinations, particularly in the larger colleges at Cambridge, have been promoted; some injurious exemptions and indulgencies of the higher ranks of undergraduates have been discontinued; certain professorships have been rendered more effective; some useful lectureships have been read; certain absurd scholastic practices have much given way; and, in several respects, the plans of education in both Universities have been somewhat liberalized. These are permanent benefits: these shew that in an inquisitive, enlightened age we may expect something good; and they reflect honour on the promoters of them.

Still the greatest admirers of our Universities, who, on "surveying the fine Public and College Libraries, the professorships with liberal stipends, the spacious, airy buildings, the commodious, retired apartments for students, the gardens and groves, the classic walks and agreeable retreats, the venerable antiquity of the places, with the many eminent men who having proceeded from them naturally inspire the young student with a noble emulation—think no places in Europe so well adapted to a studious life as these famous institutions," even these gentlemen admit, that some things in them require reform *. And these *some* things are not small. In the affairs of human life, good and evil are wont to be interr mixed. But it belongs to superior wisdom and power to over-rule the whole for the public interest. In the same manner as in a musical instrument of the finest tones, and constructed on the most scientific principles, there will be, there must be, some discords; but all discords need not end in dissonance; and it becomes those whose business it is to

* See Dr. Knox's Liberal Education, Sect. 39, and Dr. Parr's Spital Sermon.

tune instruments, so to distribute the discords as to produce as much melody and harmony as possible; and by vibrations well-proportioned to produce complete concord. So the variety, which necessarily must exist in universities should not only conspire to produce peace among themselves, but assist the national harmony, should produce, if I may so speak, constitutional consistency. But—to speak to what was proposed.

These Statutes and Charters, then, are of a two-fold nature; one relating to Colleges, the other to Universities; both in this respect having a certain analogy with each other, in being made at different times, Popish and Protestant, and under different circumstances, of customs, literature, and religion; and both so heterogeneous, as to be incapable of being brought, at any given distance of time, into a bond of friendship, and of being considered as one family. To speak less ambiguously, some of these Statutes are illegal and unconstitutional, some, though practicable, are not enforced; others are wholly unpracticable; some, if even reduced to practice, would appear indecorous, and those who complied with them disreputable; others are absurd, and more than one contradictory to another, and absolutely unintelligible: so that, taken all together, they may be considered, "Tohu Vabohu," *a mass without form and void.* This has been the judgment of several learned gentlemen of both Universities.

Now I shall not overcrowd my page, nor presume on the reader's indulgence, by producing, uniformly, how easily soever it might be done, examples, and positive proofs. I shall content myself with appealing to the testimony of two learned gentlemen many years since of the University of Oxford; one, if I mistake not, a Tutor * in one of the Colleges, the other (1726) a Principal †, and both attested by a

* Mr. Amherst.

† Dr. Newton, Principal formerly of Hertford College.

modern ingenious and sensible writer, now living, a Doctor of Divinity of the same University *. This subject is pursued through several pages in a work well known; and in addition to these I must add the testimony of a gentleman of the law, formerly a member of the other University: the latter observes—after giving at full length, the Statuta in admissione Inceptorum in Artibus, (Masters of Arts) legenda, ad quorum observationem singuli tenentur virtute Juramenti—" that the times and circumstances are so altered, that it will appear this oath, which consists of nine paragraphs, cannot even by the best men be observed but in one or two at the most †."

Now—were such Charters and Statutes to be viewed simply as scraps of history or fragments of antiquity, we might consider them with the same curiosity, with which we examine an old coin; and with the same indifference, with which we consult an ancient manuscript. The matter is here very different: they come to us in serious form; they make rigid demands; they bind us to solemn obligations; and, where reason and conscience are called into exercise, mere curiosity becomes folly, raillery would be impertinence, and indifference a crime.

These Dissertations are not intended to form a string of railing accusations; nor does the writer mean to question the sincerity and integrity of the many learned men, who, by their public acts, have given countenance to this system; nor to dispute the grounds and reasons, on which they have satisfied their own consciences. Let the truth be mixed with candour; let us admit that deference to the supreme authority—that a respect to the piety of those who directed these measures—(of which, however, more is generally believed than would, I fear, be found true) that the habit of be-

* See this subject pursued, through several pages, in Dr. Knox's Essays.

† See Mr. Serjeant Miller's Account of the University of Cambridge. 1717.

lieving what is customary may be suffered to pass as a formality—that with a conviction of general truths, and of an obedience to reasonable obligations, we may dispense with particular exceptions, with unreasonable, impracticable demands—that all corporations must be bound to some laws—and that innovations are often hazardous, sometimes even dangerous—and, that what was given and sanctioned in the grots, may be so received and tolerated. Add to these considerations, the persuasion, that however many good men might wish a change, (and many have devoutly wished it and no doubt still do) yet as individuals they could not begin it; and that the whole University, without the assistance of the Legislature, could not effect one, that would be essential—that they have authority only to steer the vessel—but that others must freight it, and direct the port, to which it should sail. Let us suppose that arguments, derived from these sources, and from higher, if higher we can conceive, have had their weight on many honest and good minds.

Still let the circumstances of the case be as strong as they may be, the evil remains in all its force. It has, no doubt, perplexed and disturbed many conscientious minds; not merely from a sense, however reasonable and just, of any personal interest; nor from a love of literature, however laudable and honourable; but from a feeling of a purer, higher kind, the love of truth: in the present state of our Charters and Statutes, they consider the practice of a very serious tendency. Believing, that the human conscience is held, as with a golden chain, by the principles of morality and religion; and, that what impairs our natural sentiments and sensibilities tends to dissolve the tie; to leave conscience at large, and without restraint;—thus believing, they think that our received practice ensnares, as by a secret trap, our unsuspecting youth; festers and shackles their minds for future exertions and capabilities, as with screws and fetters; and that the evils introduced into society at large are incalculably great. Hence it is, we may presume, without the danger

of a mistake, that several who have passed through the University with credit, choose to come away without hónours; that some who have taken a first degree have not allowed themselves to take the second: for a similar reason, a late Chancellor refused, on being appointed to his high office, the customary compliment of a degree of L.L.D. On looking into the book of Graduates, it will be found, that many who took the degree of A.B. have never proceeded to that of A.M.; some, no doubt, for very good reasons, and contrary to their wishes, because much against their interest.

It has been lamented by many serious persons, that this subject has hitherto obtained so little attention from our legislators; and that nothing should have been done on their own motion and authority, to remove these obsolete statutes, and introduce others more agreeable to our laws, more congenial with the existing manners of society, and more in harmony with the present state of literature in our Universities: the best apology, the most reasonable pretence, for which (oversight let me call it) they have thought must be, that the inconsistencies and imperfections of such Statutes have been very sparingly examined, and, perhaps, never, in their full extent and magnitude, laid before them*. Otherwise, amidst the several less (though they have not been small) improvements, made even within our memory, this greatest of all could not have escaped their notice; and that academical institutions should have practicable, rational, and good laws, which may influence the consciences of youth, and of intelligent members drawn from all orders in the community, is, in the judgment of such serious persons, of the greatest importance.

* The motion, and most curious debates on that motion, in the British senate, in 1772 and 1773, related only to the subscription to the 39 Articles, in consequence of *petitions* from various clergymen, (including also dissenting ministers) masters of arts, and doctors of divinity, physic, and law, in both Universities. See, A Chinese Fragment, anonymous, but written by Rly Bates, Esq.

Some who have discussed the subject of oaths, have maintained, that according to the strict letter of the New Testament all oaths are unlawful for true Christians *; and without now inquiring how far such opinion is well-founded, the practice and doctrines of the primitive Christians seem to favour it. "I am a Christian," appears to have been their only oath, which was at the same time a testimony to their principles, and often the act of signing their own death-warrant †. St. Chrysostom's *Homilies* are full of Testimonies *against* oaths; and in one, where he has been speaking against abstinence from food as of *less conrequence than abstaining from oaths*, to avoid being taken up too short, he explains himself, by speaking (using the words of Christ) against *swearing at all* ‡. And some enlightened and *virtuous Heathens* have countenanced the same opinion §. But be this as it may, (for these matters shall not be insisted on now) no heathen nation ever had such oaths ‖

* See Barclay's Apology *for the Quakers*, Prop. xv. Many Christian Societies, both ancient and modern, have not allowed themselves to take oaths. See Robinson's *Ecclesiastical Researches*.

† Epist. Circularis de Polycarpi Martyrio, X. It may be said, perhaps, that such-like oaths only relate to swearing *by the Genius of Cæsar*; and that oaths administered by the lawful authority, with a right end, and with *the awful name*, may be defended from the New Testament. My argument does not require me to go into the subject, and the reader is referred to the Commentators on the New Testament, Whitby, Hammond, Grotius, &c. who have discussed this subject.

‡ Το μεν φαγειν ου κεχωλυται, το δε ομοσαι κεχωλυται——τη δε εβδομαδι ταυτη το μη δ'ολως ομνυναι κατορθωσαντες. Johannis Chrysostomi Homiliæ, &c. Ed. Harmari, p. 87.

§ See their testimonies as produced by Barclay as above, Prop. xv.

‖ These oaths, on many accounts, may be called *party*-oaths, and are very different, in my humble opinion, in several respects, from the *patriotic* oath, taken by the Athenian youth, quoted by Stobæus: Serm. 41, p. 243. Ed. Lugd.: as applied by Bishop Warburton to what are called *Test Oaths*, I hope I may be allowed to say, I have shewn elsewhere, it was *very* different. *Inquiry into the Nature of Subscription* to the 39 Articles, 2nd edit. p. 119; and, I think, it might be proved that *the Athenian oath* was essentially different from those *party oaths* required in our Universities. I have said, in the text,

enleagued to such laws, as are now alluded to; neither could they, with any arts of sophistry, have defended them: nor can such oaths, however sanctioned by custom, or fenced by authority, among us, be supported on any strictly rational and moral principles. Were we playing comedy-fancies, indeed, we might go off the stage with the lover's plea—

——τυς εν ερωτι
Ορκους μη δυνειν ουκετ' εις αθανατων.

But we are acting true parts; and, without defining, or scrutinizing into, the nature, extent, or obligation of our oaths, we are pointing to the Statutes: these should be contemplated as realities, and spoken of with real feelings; as evils, which if the legislature introduced, the legislature should remove; if it did not, it has one more reason for abolishing them, as being illegal, unconstitutional formalities.

It is observed by one of great authority with us*, that that no *heathen* nation ever had *such*,—let me add—*so many* oaths, as our Christian; and the reader may not dislike to hear the words of the great Erasmus: Revolve priscorum annales; quando comperies tantum fuisse jusjurandi, quantum nunc est inter Christianos? Et ubi plus perjuriorum? Jurandi finis nullus est: jurat, &c. jurat, &c. jurat, &c. Excute juramenti articulos, et videbis jurisjurandum non minus esse ludicrum, quam est eorum qui suscipiunt professionem septem artium liberalium, aut juris, aut theologiæ——at lingua dirumpit hæc omnia vincula:—and much more in the same serious and pungent style. Vid. Des. Erasmi, Lingua, sive *de Linguæ Usu, atque Abusu.*

* The whole passage reads thus—"Rursus in moribus et institutis Scholarum, Academiarum, Collegiorum, et similium Conventuum, quæ doctorum hominum sedibus, et eruditionis culturæ destinata sunt, omnia progressui Sçuntiarum adversa inveniuntur. Baconi *Novum Organon*, xc. Agreeably to this, he says, elsewhere, and wisely, addressing James I.—Etenim inter Majestatis tuæ Canones prudentissimos, illum invenio, "In omni *consuetudine* vel *exemplo*, *Tempora* spectanda sunt, quando primum res cæptæ: *in quibus si vel confusio regnaverit, vel* inscientia, derogat illud imprimis *authoritati rerum, atque omnia reddit suspecta:* Quamobrem, quandoquidem Academiarum *Instituta* a temporibus hisce haud paulo indoctiori-

"every thing in our academical institutions is found adverse to the progress of the sciences;" an observation we may say, made many years ago—Granted. But were there not a tendency in the human understanding to burst all unnatural restraints, as in the human body, to throw off the effects of repletion, this would appear, even still, most emphatically true. But our oaths, and our statutes, those ancient barriers to inquiry, are, happily for literature, soon, and without remorse, easily left behind. The mind, when in earnest pursuit of truth, must proceed unshackled, and will defy our boundaries. When Reason asserts its prerogatives, Nature *will* take its course, in the same manner as water will find its level,—and as a due proportion of heat and cold creates a necessary poize or equilibrium in the atmosphere. Compare our schools, our lectures, our professorships, with the public exercises enjoined on them by our statutes: how is every thing at variance! *The places that knew many of them, know them no more for ever!* Conscience has no feelings about them; nor is there even left to her *room* for the discharge of her duties. For such-like matters the time, in many respects, is *past*, and will not turn back, because our statutes *stand still*. Science knows no law but eternal truth; the mind no limits but its own capability. There is reason to believe, that the cause of virtue has been more affected by these statutes, than the cause of science.

But what statutes *could* do, they *have* done. They *might*, and in some respects *have*, retarded the course of science *; they *did* prescribe the books to be read, and the

bus, eo magis convenit, ut *examini denuo* subjiciantur. *De Augmentis Scientiarum*, Lib. ii.—Do not these words apply equally to our times as to Lord Bacon's?

* What was the reason that the University of Oxford suppressed and degraded the *Essay on the Human Understanding*, by Locke, one of her own sons?—(he was of Christ Church)—It was contrary to the *Philosophical*

order in literature that was to be pursued. But science keeps a pace slow, yet sure. There were some eminent men of that period, who had been, so to speak, long confined in a sort of Philosopher's * Cave, accustomed to see only shadows of things passing, as it were, on a wall before them; but who, being drawn out, and beholding the sun, received a pure light, obtained a clear vision; and the light which they admitted they dispersed around: many great men, who were before the revival of letters, were such persons. Other great men arose afterwards, who may be said never to have been confined and shackled in that cave, but accustomed to move at large, and to behold realities. Bacon, Newton, Locke, were such;—and in their presence the Statutes were nugatory.

Human philosophy would not be stopped; but it should seem, as though the contrivers of our oaths and statutes were determined to retard the progress of *divine:* morals they enfeebled, and they shackled theology; and the injury that was done them, Truth and Benevolence, could they assume a human form, might blush to see.

Faith. One of the Oxford Statutes runs, it seems, thus: *Aristotelem similiter, totamq. Peripateticorum Doctrinam pro viriti defendere teneantur*, Stat. Tit. 6, Sect. 2. This clause, I suppose, Dr. Newton, before mentioned, quotes from the large Body of Statutes; as it does not occur in the *Parecbolæ or Excerpta Stat. Oxon. published* 1705: but as the extract there lies, it reads strong enough—"Aristotelis Metaphysica legat, textum, *quoad fieri potest, dilucide exponendo*, et quæstiones Metaphysicas, quæ apud *Scriptores antiquos* et *modernos* agitantur, prout e textu Aristotelis emergunt succincte *ventilando*. Dr. Newton, speaking on this and other Oxford statutes, observes, "Whilst our education continues in this state, it is impossible, that truth, or knowledge, or learning, should increase." It was fortunate both for Cambridge and Oxford, that when the Statutes were given, the Cartesian philosophy had not been broached—for Des-Cartes was not then born; otherwise, (for some time previous to Newton, the Cartesian philosophy was generally received in the schools) there would, no doubt, have been a statute provided to make that the law for philosophy in both Universities.

* See Plato's admired VIth Book, De Republicâ.

Had the opinion of such a man as William Penn been asked on this subject, or should it ever be asked, (Penn had well considered matters of this kind) he perhaps might have said—" We have no personal interest in such things: we are not ambitious of either a church or state *—comprehension; but as friends we will give our sober advice. Let your Statutes follow the genius of the English Constitution, and preserve the balance of religious opinions among the Sectaries. In literary transactions our friends would use no paper-money; but if ye choose it, see that the characters on it do not invite or admit fraud: and, if your specie is worn and almost effaced by time, get a new coin from the proper mint; let it wear the image and superscription of the reigning times. Our friends care little for your *Lion*, or your *St. George and the Dragon*; but they are well-wishers to *Britannia*; and they would be pleased to read your motto, 'fiat Justitia,' or 'Veritas prævalebit.'"

There was an order of persons wisely appointed by the ancient Athenian government to inspect the laws every year, in order to correct what were found contradictory, and to supersede what were useless †: and we may take a hint on what concerns our University-Statutes from our own ancestors.

Our University of old time possessed its *statuta antiqua* ‡. But, besides, in the reigns of Hen. VIII. Edw.

* The Founder of Pennsylvania, to whom an allusion is the rather made as having been a member of the University of Oxford. See his most wise Treatise, entitled *England's True Interest considered, with Honour to the Prince, and Safety to the People.* 5th Edit. 1705.

† Ει τις αναγεγραπται νομος εναντιος νομω, η ακυροις εν τοις κυριοις, η ειπειν ισοι νομοι πλειους ενος αναγεγραμμενοι περι ταυτης της ταξεως, &c. *Æschines contra Ctesiphon. p.* 84. *Edit. Taylori.*

‡ A Complete Collection of the Cambridge Statutes was printed in 1785; but, as it appears to have been made for the use of the Public Library, and two or three of the University-Officers, and a copy could not, I apprehend, be procured, it may not be improper to state the order of them, which, I think, is as follows: Statuta Antiqua—Statuta non in ordinem redacta—

VI. Mary, and Elizabeth, it had its peculiar Statutes, better adapted, as was supposed, to each period respectively, consisting in part of certain of the old Statutes, and others more specific and appropriate. Our old Statutes, too, were less in number, more clear, for the times, and less perplexed, as to the matter, than even the present: nor were they encumbered, as the mass of things, imposed by Elizabeth and James are, with disciplinarian forms and doctrinal verbosities *.

Yet the ancient Statutes were considered in Edward VIth's reign, with respect to those times, as "semibarbara," et obscura, et propter vetustatem plerumq. non intellecta †; and, accordingly, many new ones were introduced by the royal authority. And should not Queen Elizabeth's, according to nature and right reason, be treated in the same way? Did not she herself take such liberties with those of her predecessors?

Statuta Regis Henrici 8vi Statuta Regis Edw. 6ti Statuta Reginaldi Poli—Statuta Reginæ Elizabethæ, primo Regni sui Edita—Statuta Reginæ Elizabethæ duodecimo Regni sui Edita.

* The oath taken by scholars on their admission was after the following form: "Jusjurandum a cunctis et singulis scholaribus suæ aetatis quatuor decem annorum et supra existentibus infra terminum accessionis hic ad Universitatem accipiant; videlicet, de obedientia præstanda Summo Cancellario," &c. I have not copied the remainder, but apprehend it runs somewhat in the same strain as the following:

De Juramento Baccalaurei.

"Item Statutum est, quod omnes et singuli statum baccalaurei in qualicunq. facultate assumentes jurent, quod Statuta, privilegia, et consuetudines approbatas istius Universitatis pro viribus observabunt, et, quantum in eis est, observari procurabunt, et contra statuta, privilegia, et consuetudines approbatas, minime appellabunt, nec hujusmodi appellantibus consilium auxilium aut favorem præstabunt. This was administered by one of the Praetors: Idem juramentum quod præstent omnes Licentiandi in sua admissione in quacunq. facultate, et etiam omnes solenniter resumentes, ac etiam omnes in quacunque facultate Lecturi ante quam legant.—I have not the Statute-book at hand while this sheet is going through the press; but it occurs to me that the oath taken by a *Theologus* was more specific and theological, about attending Missas, Exequias, &c. Stat. Ant. 114.

† Introduction to Edw. VIth's Statutes.

The circumstances in our Universities being now greatly altered, new expedients are required; and a different turn of thinking in the nation demands a different application of them. Laws should keep pace with our manners; so only can they be consistent with nature and the state of mankind. When the wind shifts its corner, the vessel must change its direction; when a river alters its course, our banks and our sluices must be differently placed: man changes his dress and his food according to the different climates under which he lives, the different stages of his existence, and the different seasons of the year; and physicians alter their prescriptions according to any change in the constitution, and the mixtures or different appearances of diseases: and no rule of common sense is clearer than that of Montesquieu, with regard to manners; that "when men's manners change, their laws also should change."

Laws which are to affect the conscience, and relate to the understanding, should be more strictly referrible to nature and right reason than any other, if one law should be more natural and reasonable than another. For the human conscience, like the sensitive plant, in this respect, does not require handling, to be put in motion, and certainly is of a nature too delicate, and susceptible, to be treated very royally and authoritatively. The human understanding is, also, variable, improveable, very proud, and very powerful; too ample in its range, too lofty in its aspirations and measurements, to be determined by left-handed, short-sighted statutes.

All statutes are perpetual rules, as long as the authority which has established them has discovered no intention that they should be abolished. All laws, therefore, that are useless, or prejudicial, should be cancelled: for it is equally absurd in theory, as fatal in practice to society, to pretend that laws once made should always subsist, however inconvenient they shall be found.

It is not deemed necessary to slice our present Statutes

into small portions, in order to point out, by examples, particular defects: but the body is laid entire before our readers, that they may judge from the whole. Every member of the University, and no less every member of the British Senate, ought (how little soever it is now known) to be acquainted with its contents; which, taken together with our College Statutes, will shew, how far our practice accords, or can accord, with them, and how far they are, in their present state, adapted to modern times.

"The revocation of laws (I am using Burlamaqui's * words), may be made two ways; either *expressly* or *tacitly*; for when the Sovereign, well instructed in the nature of things, neglects, during a long space of time, to make a law observed, or when he permits formally the affairs which relate to it to be regulated in a manner different to its disposition, there then results a sort of presumption, that such law is abolished, which falls, as it were, of itself, though the legislature has not expressly abrogated it." These remarks are most true, but exclusively applicable only to laws, where simple disuse is implied, without any further requisition; but not where a law, while it is suffered to fall into disuse, is still bound upon us by an oath: it may be dead, as to itself, in effect, but it is bound on a being that has life; it is tying a dead body round a living man; forcing a duty—which, after all, may be impracticable—out of our punishment. All the wisdom of the legislature cannot compromise these matters; all the subtlety of the Schools cannot untie these knots: there is no medium; the knot should be cut asunder, by either abolishing the oath or the statute, or perhaps, better still, by abolishing them both together.

It not being pretended that these Statutes were ever expressly or formally *abolished*, it is not necessary to say any thing on the subject.

* *Principes du Droit Naturel.* Partie premiere. Chap. 8.

A celebrated Scotch lawyer, many years ago, after having mentioned the ardent desire of the Scottish Parliament to amend their laws, adds, that "one of *his* inducements for *writing* on that subject was, that though a lawyer, he found a difficulty in understanding them*:" a very sufficient reason certainly for a lawyer's writing on them; and have not we similar reasons? Has it not appeared that we have additional reasons? Reasons, for wishing these Statutes repealed or altered, far more strong?

2. Our next observation relates to the SENATE, more particularly that part of it called the *Caput*, which consists of five members of the Senate, a Doctor of *Divinity*, a Doctor of Laws, a Doctor of Physic, a non-Regent, and Regent, together with the Vice-Chancellor.

Nothing need be said of the mode of electing the Caput; the remarks to be made on the *power* exercised by it will answer our purpose.

Some have spoken of our body of learned men in the University as a Republic—the word occurs in our Statutes in reference to that learned body—somewhat figuratively, perhaps, though significantly, as, when we speak of the community of learned men, we say, the *Republic of Letters*. Some more specifically (on examining the governing powers) have thought they found in its forms and principles a resemblance to that curious and admired structure of a Republic, the English Constitution: the Chancellor (or Vice-Chancellor, which here is the same) being as the King, the Caput, as the House of Lords, the Non-Regents and Regents, as the House of Commons.—The allusion is here the rather made, because some have thought they perceived such a resemblance in certain other Corporations†.

* Sir George Mackenzie's *Introduction* to his *Observations on the Scotch Statutes*.

† Particularly in the City of London.

This resemblance, however, would be less in power and privilege than in form: even in the form there are some essential differences; and in its power the difference, in my humble opinion, would be still more essential.

That essential difference (to notice only that one) consists in the mode of proposing a Grace, as it is called, corresponding to a Bill in the British Senate. Each House of Parliament, we know, has its peculiar privileges;—each House can originate a Bill, which must be read, and approved, three times in each House, before it can go to the King, and pass into a law. And one *most* peculiar privilege of the Lower House is, that it cannot merely originate bills in general, (in common with the Upper House) but can *only* originate those which affect their more immediate vital interests, as the representatives of the people. It will be seen, this allusion is to *Money Bills*, which the Upper House cannot only not originate, but must not, in the smallest degree, alter. This is deemed an essential privilege of the House of Commons.

Now, on perusing the Statute *de Capite*—et *de ejus authoritate* (*Cap.* 41) we find, that the Non-Regents and Regents are not only without the *particular* privilege, but even without the *general* one. They are incapable of originating a single Grace. Every Grace must have the *consent of all the Caput*, even before it can be *proposed* to the Senate. So that the whole power of making laws for our Republic lies virtually not in the Senate, but in the Caput. True it is, that individually, each member of the Caput is also a member of the Senate; but that makes no difference; it is as a *Caput* they act, as a Caput of six, independent of the whole body, and even, as we see, with a full controul over it.

This, by many members of both Universities, has been considered an inconvenience, and felt as a serious evil. They have asked whether a body of learned men, composed of Doctors in the di fferent faculties, Masters of Colleges,

Tutors of Colleges, and Professors, are not likely to have wisdom enough to know, and to know best, their own interest, and ties strong enough to bind them to the general interests, the interests of the University? This stopping a question in the Caput, they think, is like cutting off a stream at the fountain-head, or preventing the vital fluid from taking its course through the animal body; that it is political death. Certain it is, that many excellent men, after nursing wise, benevolent, and pious plans in their own bosoms, have never ventured to bring them even to the shape of words, from a well-calculated presentiment that they would be strangled at their birth—that *they would* not be suffered to come before the Senate *; and they, accordingly, from the certainty of a failure, have thought it fruitless to make experiments. They have perceived that the powers of the Caput draw off, as it were, the privileges of the Academical Body, in the same manner as a preternatural protuberance absorbs the juices, and exhausts the strength of the animal body; or as certain plants, by their juxta—position, and powerful influence, will stop the growth and fruitfulness of some trees.

This paralyzing power is thus expressed in the Statute *de Capite*: Horum autem authoritas est, in omni Senatu, et—Congregatione de omnibus Petitionibus prius decernere, quam ad Senatum deferantur; ita ut illæ solæ Gratiæ approbentur, et Regentibus et Non-Regentibus proponantur, in quas *singuli eorum consenserint*: et si quicquam in Senatu petatur, aut concedatur, quod non sit prius istorum judicio et consensu comprobatum, *nullum erit omnino et invalidum*, nisi his nostris Statutis aliter cautum sit."

* The Grace offered in 1771 by the late Mr. Robert Tyrwhit, of Jesus College, so distinguished by his worth and abilities, for the abolition of subscriptions at the time of taking degrees, was stopped in the Caput. See Gentleman's Magazine, Vol. XLI. p. 263. One also proposed Dec. 7, 1787, by Dr. Edwards, and I think one offered at Oxford, a few years before, met with the same fate.

Such a power is *certainly injurious* and most *unreasonable*; though, I own, I do not see why Dr. Jebb, a very intelligent and spirited person, should call it *arbitrary* and *unstatuteable* *, seeing the *Statute* of Elizabeth gives the Caput that power in full force and form; unless, indeed, he speaks (as I suppose he does) in reference to some ancient Statute, or to the tendency and import of any resolution, passed by the House of Commons, (of which notice shall be presently taken) concerning any Grace, which he supposed militated against one, which he deemed of the greatest importance.

When gentlemen speak of our Academia as a Republic, they would not be supposed (nor would I be supposed) to have in their eye a Democracy, at least those ancient democracies, which rather exemplified the *passions* of a rabble, as influenced by demagogues, than a system to arrive at public opinion, and to express the public will; so arranged, as to produce reason and virtue, to keep alive public liberty, and to promote the public happiness; principles, as an ingenious writer well expresses it, equally susceptible, producible, and of equal force, "as those which actuate the mercenaries of a profligate and ambitious prince †."

Here I think I perceive the ground on which rested the remark of a learned gentleman of Cambridge, which I heard him once express, "that our Universities would be the last institutions to admit improvements." For the honour of literature, may it not prove true! But, can we conceive, that a great spirit of reform may readily pervade a Body, where such an enormous power is lodged in so few

* "The measure has been defeated by the arbitrary and unstatuteable interposition of the Council of Six." *Jebb's Works, Vol. I. IVth Letter,* addressed to the Gentlemen of the University of Cambridge, &c.

† See "*Lectures on Political Principles, the Subjects of eighteen Books of Montesquieu's Spirit of Laws.*" By Mr. David Williams. *Lect. III.*

hands, like a small cog, which, if it can give motion to a mighty machine, can also effectually stop it, and suddenly? We may not suppose it, till some change is made in this respect: till either the proper authorities abolish this power; or till the power stops of its own accord, suffering its exercise to lie dormant, with other obsolete statutes; or till it, on a sober presentiment of public opinion, sinks itself, as it were, into the wishes of the majority: till then, however provisionary any measure may be for the good of the Senate, and the University at large; however honourable to literature, or favourable to virtue and religion; however useful to the state; however consistent with the principles of the British Constitution; though the measure should be "omnibus suis numeris absoluta," still it may be stopped! contrary surely to the principles of a true republic, or at least to that form which Aristotle pronounces the best*; and essential to that power, which is deemed the great privilege in our mixed monarchy †, or British Republic, the English Constitution.

It must indeed not be overlooked, (for the Statute provides) eligendos esse illos, qui propter Cognitionem, *Gravitatem*, atque in rebus gerendis Prudentiam et Fidem, *Caput* Senatus *merito* appellari solent." Nor is it meant to

* Εισι μεν λεγουσιν, ως δει την αριστην πολιτειαν εξ απασων ειναι των πολιτειων μεμιγμενην. and again: Βελτιον ουν λεγουσιν οι πλειους μιγνυντες· η γαρ εκ πλειονων συγκειμενη πολιτεια, βελτιον. De Repub. Lib. II. Cap. 6.

† Mr. Hobbes, I am aware, speaks of a *mixed monarchy* as a non-entity. De Cive. Cap. 6. But this book was dictated by that great man's *passions*, rather than his *prejudices*, and, it is to be feared, though it establishes some truths, betrays much inconsistency, if not insincerity. In speaking of our mixed Monarchy as a Republic, I have but conformed to the language of our old, and best political, writers. One of our Greek Professors, so well known in our History of Greek Literature, Sir William Smith, afterwards Secretary to Edward the VIth and Queen Elizabeth, published a valuable, though now scarce, book, with this title, De Republica Anglorum, 1583; to which I am indebted for an excellent passage quoted in my, *Four Letters on the English Constitution*, p. 119. 2d edit.

insinuate, that, as well from the mode of appointment, as from the offices and characters of the gentlemen to be chosen, the election will not preserve a general correspondence with the description. But, not to say, that in all statements of this kind some allowances must be made for generalization, can we suppose, that in these six, selected with whatever fidelity and care, there will be more of those qualities required in the settling of a serious question, than in the whole senate besides? The Caput, we know, of any particular year, sink into the Senate the next; and from the very condition of the gentlemen, of whom the Senate is of necessity composed, there must always be in it a greater *aggregate* of knowledge, gravity, and prudence, as well as talent for business and good faith, than there can possibly be, (whatever personal respect may be due to each of them individually) in only six detached members of it. Besides, while man is man, he is liable to be mistaken in his judgment—though his errors may be innocent, and his prejudices, however unfortunate for himself, and dangerous to others, may be only to be lamented, but cannot be prevented or over-ruled. He may act wrong, too, from motives, which incline him to consult his private interest or expectations before the public good. No attempt, so invidious and precarious, shall here be presumed upon, as to give particular examples. Certainly not. Men are not always competent judges of each others motives, whether they are conscientious, corrupt, or mixed: but a general opinion may be hazarded without the danger of a mistake—that influence, corrupt influence, may easily reach the few, where the many could not possibly be affected by it.

English Universities must always be an object of consideration in the view of government; and the minister of the day find his account in their interest and support. A University, also, will, proportionably, find it their advantage to follow the measures of the minister, and to gratify his

wishes: and it will be happy (and so every thing may be honourable) when the real convictions and principles of gentlemen correspond with their professions and services. That for preferments many are indebted to their political friendships and alliances, is a fact so well known, as to require no elucidation *.

Suppose a case, which affects the Caput and Senate. A gentleman wishes to offer a popular Grace, that is, one likely to interest the majority. It shall be perfectly constitutional. Surely he who offers such a grace should be permitted to take the judgment of this assembly of learned men: but no—it is not agreeable to government, which here means the political views of the minister of the day. He wishes to have it thwarted. Now, who does not see, from the number of the voters in the Senate, that his means, though great, are not ample enough to corrupt the Senate, and to secure a majority? But, were his means even less, they would be more than enough to influence the Caput. This Council being only six, and most of them of a profession capable of church-preferment, and of an age ripe and ready to receive it, being, moreover, visible and prominent objects, which the eye of the minister can easily take in, such a body may readily come within the reach of his influence. Indeed he need be sure but of one vote; for one negative would as effectually stop the Grace as the veto of the whole Caput †.

* The learned Dr. Pearce, formerly Bishop of Rochester, (in the Memoirs of his own Life, written by himself, and prefixed to his works) pleasantly enough tells us, when he first waited on Sir Robert Walpole, the minister addressed him in some such way as this: (I quote from memory) "Well—Dr. Pearce, I perceive you want me to serve you;—but I must first know, how you can serve me," &c. This matter not relating to the University, is only mentioned incidentally.

† It will be seen, by consulting the *Debates* of the House of Commons for 1772 and 1773, that the Petition of certain Clergy and Laity for relief, in the terms of subscription, was strongly opposed by the Minister, and the bill introduced by Sir William Meredith was lost. It is natural to sup-

It has been observed, that there never was a good government which did not consist of the three simple species of monarchy, aristocracy, and democracy*; that in all such governments there have been assemblies, in which resided the power of the whole nation; and, that a democracy can only suit a *small* town. Be this as it may—of those forms there are numerous diversities: and, as in all human contrivances there are degrees of good and evil, so in different policies there are different shades of liberty, of which the measure will be, the manner in which the legislatorial assembly is constituted and conducted, for promoting liberty, virtue, and public happiness. It is, therefore, essential to every Republic and every form of polity approaching one, to establish the right of suffrage; and what ever checks that, throwing us back into the arms of aristocracy, or despotism, destroys every idea of a Republic. Hence the five officers called the Ephori, chosen from the people, were experienced to be a serious evil, and are greatly censured by Aristotle as an inconsistency in the Lacedemonian Constitution, and indeed as the ruin of it†.

The tribunes, those two, afterwards ten, officers, chosen by the Roman people, with a power similar to that of the Ephori, and immediately for the protection of the people, found in that power the means of their subjection. They had no suffrage, but they could stop the Senate and people from voting by their veto: a single tribune could stop all their proceedings‡. This inordinate stretch of power was

pose, therefore, that he was not favourable to the measure proposed at Cambridge, and that *therefore* the Grace might be stopped.

* Algernon Sidney's Discourses concerning Government, C. 2. S. 16.

† Αλλα μην και τα περι την Εφορειαν εχει φαυλως· ἡ μεν γαρ αρχη, κυρια μεν αυτη των μεγιστων αυτοις εστι· γινονται δ' εκ του δημου πολλης——ολην την πολιν διωλισεν, και δια το την αρχην ειναι λιαν μεγαλην και ισοτυραννον, δημαγωγους αυτους ποιουσι και οι βασιλεις. Polit. L. 11. Cap. 9.

‡ Tum inter prætorem tribunosq. omnia intempestive agendi certamen

the occasion of great confusion, and eventually was made the instrument of the entire overthrow of the commonwealth. For Augustus Cæsar, too well knowing the strength of this power, though it had been suppressed for some years, revived it again, and *reconsecrated* it; and rendering it perpetual in himself, rivetted the chains of slavery indissolubly on the Roman people.

The Cretans had a Council of ten (called Κοσμοι) similar to that of the Ephori among the Spartans; and it is described by Aristotle as having some worse qualities, and producing some worse effects *. It was by some such Council also as that we are alluding to, that the *little* Republic of Geneva, whatever changes it passed through afterwards, (and it underwent many †) lost, in its infancy, liberty, falling into intrigue and aristocracy: and by such a Council it is now governed.

The tendency of this principle is found to be the same, whether taken on a large or small scale. The Corporations of England were in their origin very beneficial, in affording protection to commerce against the barbarism of the feudal Lords; but, that being past, they are now become, through a change of manners, not only useless, but extremely pernicious. They are no benefit to the trade of cities and towns, and none to its magistracies: they clog the former; for where there are undue privileges, they must be proportionably undue disqualifications: borough-corruption, therefore, is become proverbial. These boroughs are now a corrupt part of our system; and it is usually carried on by the way in which votes are managed, and freemen made; which is most effectually through the instrumentality of a Council.

erat. Liv. Hist. L. xlv. 21.—Cæsar calls the exercise of this single negative of a tribune, Extremum Jus Tribunorum. De Bel. Civ. L. 1. 4.

* Aristotelis Polit. Lib. ii. C. 10.

† D'Ivernois Hist. of the Constitutions and Revolutions in Geneva.

As for a literary Corporation, with a government by its Senate and President, (which might somewhat resemble that of the first Christian churches) a body of men, approved and distinguished by their degrees, their offices, their professions, and their characters, many of them of the very first attainments in science, and of the greatest purity of intentions—such a body is surely capable of forming a judgment of its proper interests and privileges by its own wisdom, and of preserving its respectability by its independence: and it is difficult to conceive, that such a Council, as I have been describing, can afford it any information, dignity, or strength, which it does not possess in itself.

This matter, it is well known, is most admirably managed in the arrangement of the British House of Commons. Besides each member's giving his own vote singly in his proper place, and after his own judgment, the House can form a Committee of the whole House, where the entire business is examined clause by clause, corrections introduced, the blanks filled up; and an entirely new shape often is given to the bill. They have also private Committees (chosen by the members out of their own body, and understood to be best acquainted with the subject to be debated) for the purpose of making inquiry, reporting the result of their inquiries, and thus affording the House grounds and reasons for their debates: but they never could allow of a Committee, or Council, which might shut the door on all their inquiries, and reasonings, and stop all their proceedings.

3. Let us consider, in what way our Statutes may affect our literature.

To this part of our subject some allusion has already been made; though rather comparatively, than positively; and in reference to what is essential in the nature of science, than accidental in its circumstances. For, though our moral feelings may be greatly and radically damaged by Statutes, our philosophy may be affected by them in a different man-

ner. It may incur the blame of crime, without feeling itself at all criminal. For, if men reason, they will conclude; and, if they believe any given number of propositions to be true, all the articles and statutes in the world can never make them appear false. It is true, through the feeling or the dread of authority, they may be obliged to be circumspect; but, if they can spring a fence, they will think it no crime, and conscience will take no harm.

It might be an amusing, perhaps, an useful, speculation, to inquire, generally, how science is affected by human law; how it may be assisted, and how it may be injured by it. Such inquiry would, probably, shew, that like *religion* and commerce, it should by law neither be checked nor forced; not being of the nature of grafts, to be impregnated by sharp incisions and violent insertions; nor of hot-house plants, to be immaturely raised by artificial heat; but resembling rather seeds, which being carried by the winds, and sowing themselves by their natural strength, are nourished by the dews of Heaven. It may, indeed, be said, Honos alit artes; and on the principle of public utility, science may receive encouragement and reward; as on that of natural right it may claim protection: but there are cases in which the interference of law would do it incalculable evil.

In the Funeral Orations, annually delivered by the Athenian Orators, over those who fell in defence of their country, among the other praises bestowed on Athens, one was, on account of the freedom of its literature*; and to this superiority of its laws over other states, Cicero ascribes its superiority in literature.

The spirit of both the Greeks and Romans was in this respect very liberal. How different became that of Rome Christian! How abject its state under the Canons of her church, the Rules of her particular Orders, and the Statutes of her learned bodies! These were converted into a

* Thucydidis Hist. Lib. ii. c. 34.

sort of men-traps, whereby the human understanding was strongly enthralled and fettered, and many improvements, many useful discoveries in science, long kept back from the world. Under the authority of the *Decrees* first collected into a body by Gratian in the year 1151, under Pope Eugenius III. the Philosophical Writings of Aristotle were proscribed, and those who read them excommunicated *. That great luminary of science, Friar Bacon, of Oxford, (a *burning* and *shining light*, that the tyranny of custom would have extinguished) was for a long while prevented from imparting his ideas by the Rules of his Order †; and the Opus Majus of that extraordinary man would never have appeared, had he not acted under a higher authority. Had Ferdinand, King of Spain, obeyed his Ecclesiastical Counsellors, Columbus could not have discovered America; and it might have remained undiscovered to this day: for the dogma of St. Augustine had become a sort of Church and School Law; and, in the case of Virgil, Bishop of Saltzburgh, who ventured to maintain the doctrine of the Antipodes, Pope Zachary had ordered him to be degraded by his Legate, and to be excommunicated. Copernicus, under the terror of ecclesiastical law, was obliged to keep back his system for forty years: and when poor Galileo maintained, that the sun was in the center of our system, and had a daily motion on its own axis, his writings were burned; the astronomer himself was thrown into prison; and being, at length, released from confinement, he was obliged to renounce the doctrine, and once in a week, for three years, to recite what were called the *seven penitential*

* Rog. Baconi Opus Majus; Lib. 1, C. 15. Et præf. ad Ed. 1733.

† Constitutionem etenim fecerant Prælati ordinis sui, et sub præcepto et amissionis libri, et jejunio in pane et aqua pluribus diebus, prohibuerant eum a communicando scriptum aliquod a se factum cum aliis quibuscunque. MS. Cotton. Tib. C. Cap. 5. Fol. 3; as quoted in the Præt. ad Opus Majus.

Psalms: Such was the blessed influence of church laws and statutes on geography, astronomy, and navigation!

In the year 1317 Pope John XXII. as we have seen, had ordered the *Constitutions*, with the other *Decretals*, to be read in the Schools at Cambridge *, and by them Philosophy, as we before observed, had been outlawed. But, at length, Aristotle was suffered to take her seat in the Schools of the Universities of Paris and England; yet so dilacertated, distorted, and crippled, as to be scarcely known. Aristotle was not Aristotle; but *so mistranslated, corrupted*, debased, and *mysticised*, with scholastic divinity, that Friar Bacon says, if he could have had his *will*, his writings should have been all burnt †. However, a barbarous jargon, called the Aristotelian philosophy, gave law to the Schools; and this system, at once so authoritative and futile, furnished materials, at a comparatively late period, to the satire of Erasmus, and the philosophical indignation of Lord Bacon.

It is often found in experience, that laws which are the least expedient, become the most permanent; such, particularly, are those which relate to science and religion: they became in a manner almost law and gospel there. For custom, of itself a tyrant, when strengthened by statutes, and emboldened by authority, may be expected to obtain a larger dominion, and to hold it for a greater length of years; it swells by degrees to superstition, and will generate a species of idolatry in minds not naturally strong: and there are learned as well as illiterate vulgar, who will always find it easier to bow to rules, prescriptions, and precedents, than to serious thinking and patient research, or to listen to

* Priv. Cant. p. 14.

† Si haberem Potestatem super Libros Aristotelis, ego facerem omnes cremari; quia non est nisi amissio temporis studere in illis, et causa erroris, et multiplicatio ignorantiæ ultra id, quod valeat explicari. Ibid. ut supra, p. 533.

'discoveries, when first new and undecorated, unsanctioned by any royal, canonical diploma. Hence philosophers must stand long alone; with few companions, fewer assistants, and often amidst much opposition, if not of persecution *; while Truth itself shall be heard to complain, "I have stretched out my hands, and no man regarded me."—Thus may Constitutions, Decrees, and Statutes, injure Logic, Ethics, Metaphysics, and Politics.

Now, Logic, Ethics, Metaphysics, and Politics, grow, as it were, out of the human constitution, and when drawn forth, as parts of literature, into systems, should, of course, be altogether natural in their structure, and of the nicest, most exact proportions. In the Schools, therefore, they ought to be altogether free, and reason be the only moderator. Law may do mischief, by bringing that under its controul, which is not properly of its jurisdiction. Should the Scholastic act contrary to the ordinances of society, then is the time for the law to counteract. But, that law may do them great injury, by controuling what is not properly of its jurisdiction, is an observation, which, I fear, has been found sadly true by experience; and proved to be so, by the laxity of the principles in an admired publication, the tendency of which is, to give something of plausibility to our school-morality; but which, I suspect, on impartial examination, would be found inconsistent with logical correctness, and with the author's better judgment †. True Political Expediency would, I suspect, be, to place certain matters on a better, more natural basis, that they may appear in a more defensible, more honourable form.

Some observations having been already made on obsolete

* Studia enim hominum in ejusmodi locis in quorundam authorum scripta, veluti in carceres, conclusa sunt, a quibus si quis dissentiat continuo ut homo turbidus, et rerum novarum cupidus corripitur. *Francisci Baconi, Novum Organon, Lib.* 1, *C.* 90.

† See a Defence of Dr. Law's Considerations, &c. by William Paley, A.M. first published in 1774.

statutes, it is unnecessary to revive the hints that were then thrown out on statutable lectures, which are never read; on statutable professorships, which have been long ineffective; of statutable exercises, which are never performed; and of other statutable duties, which are never called into action*. Such observations, as I would hope has already appeared, were not written in a spirit of dislike to liberal institutions, but of concern, that our institutions are not still more liberalized. Such observations related principally to Cambridge; and due respect was paid to the apology, which should urge, that the state of literature, and the modes of instruction are now so altered, as to render them unnecessary, if not impracticable. And such apology, with the ready concession which I am disposed to make, would even be favourable to our present argument. Nor were such remarks made in a temper sufficiently disengaged, unaffected, or joyous, for satire or ridicule. Suffice it to have alluded to those ancient remains of a barbarous philosophy (slightly hinted at before), those impediments to truth and liberal science, I mean, the academical exercises enjoined at Oxford†, preparatory to taking degrees, and when taking them, and to the testimony of the gentlemen of Oxford already mentioned, who were too serious, too much in earnest for trifling, and too much attached to the interest

* See Stat. Cantab. et Oxon. passim.

† See DISPUTATIONES IN PARVISO; ANSWERING UNDER BACHELOR; and EXAMINATION, &c. With a string of Syllogisms, upon a common question, for the Oxford Schools, &c. The account may be seen in Dr. Knox's Essays, as given by Mr. Napleton, formerly a Resident Tutor of Brazen-Nose College, and by Dr. Newton, formerly Principal of Hertford College. It seems from Dr. Coblestone's (the present Master of Oriel College) sensible Reply to the Edinburgh Reviewers, on the subject of Academical Education at Oxford, that many and considerable improvements have been introduced there of late years. It may be therefore expected, that some ridiculous exercises have fallen into disuse: still the evils introduced by Statutes may leave bad effects, which will not easily or soon give way. For bad Statutes are like poisoned arrows; some of the matter may remain, after the weapon is removed.

of that learned body, to hold it in scorn; yet too erudite, not to treat such absurdities, although statutable, with indignation; and too honourable, when having occasion to speak of them, not to bear their faithful testimony against them.

But, that the reader, leaving the more limited view, might take the most prominent ground, and survey the subject in its full extent and magnitude, he was desired to ask the question, Why did Locke's writings meet with such illiberal treatment at Oxford? The curious Oxford Statute was quoted, Tit. 6, Sect. 2: Aristotelem similiter totamq, Peripateticorum doctrinam pro virili defendere teneantur. That is an answer to the question. And I shall here, in conformity with the rule which I had prescribed to myself, at the beginning of this Dissertation, and as a comment on this Statute, call in the testimony of one of our learned academics, to whom an appeal has been already made. He observes, in reference to this Statute, as follows:

" I forgot, in my last paper, to mention, that our Christian mother of arts and sciences took a particular liking to an old heathen philosopher, Aristotle by name, to whose musty systems of Logic, Rhetoric, Politics, and Ethics, she was so much wedded, that she constituted them the standards of the arts to all succeeding generations, and by statute obliged her matriculated issue to defend and maintain all his peripatetical doctrines, right or wrong, to the last gasp of their breath, and the last drop of their ink; and it was further enacted, by the authority aforesaid, that if any person should presume to dispute or deny the Stagyrite's opinion in any public exercise, the said public exercise should not pass pro forma; and, moreover, that the audacious delinquent should be fined five shillings for every such offence; a sum, which every philosophical Freethinker does not care to pay for pretending to being wiser than his forefathers."

With these so significant facts, adduced by this learned gentleman, take his as significant remarks on them.

"This is the best account we have of the origin and institution of the Aristotelian dominion in the Universities: we must dispute to no purpose, because our academical predecessors could not dispute without going to loggerheads; and thus the folly of our forefathers (like Adam's sin) derives upon us the unhappy necessity of defending absurdities, and propagating falsehoods." He adds, "Whilst our education continues in this state, it is impossible that truth, or knowledge, or learning, should increase." Dr. Newton makes a variety of other pertinent observations on what he calls "our standard of philosophical faith."

Such is the tendency of barbarous statutes; they possess a secret influence, which may be inimical to science, as much as open violence; not, indeed, like the hurricane, which overwhelms, and bears away the materials of, a building all at once; or which tears up a plantation by the roots; but, like the marshy grounds, on which you can neither build nor plant, without much draining, with other preparatory labour, and, after all, with great hazard of success. Thus philosophers, on making experiments, and ascertaining facts, may deduce principles, form in their own minds new systems, and their consciences will feel no pain, however opposite their conclusions may turn out to a philosophical creed, established by law; still such persons may be cautious in proposing their discoveries, and learned bodies will be backward in admitting them. For to be new is with many the same as being false: Custom, procreating by Statutes, though not having in her own right any natural claim to authority, yet becomes the parent of a spurious, numerous, powerful progeny, Prejudice, Conceit, Loquacity, Indolence, Ignorance, Self-Interest, and such-like: these, by their intrigues and cabals, their solemn disapprobations, senseless garrulities, and scholastic formalities, may retard truth for ages.

Our Cambridge Newtonians may, therefore, be happy, that Des Cartes was born long after our Royal Statutes were given: otherwise, there can be little reason to doubt, that our learned Universities would have been statutably bound to retain the Cartesian, as well as the Aristotelian philosophy. For at the time of Mr. Whiston (that is of Newton), the mathematics of Des Cartes was *generally* received there, or, as Mr. Whiston * expresses it, "it was alone in vogue with us at that time." How *forcibly too* is to be gathered from the Preface to Sir Isaac Newton's PRINCIPIA; and still more perhaps from a Dissertation of Dr. Henry More's, of Christ College, who, though a Platonist and Cabbalist (in which respect he stood almost alone), and even much alarmed at some part of the Cartesian philosophy, yet has most zealously, and somewhat elaborately †, defended those parts of it, so generally received at Cambridge. Dr. More speaks of *a Triumvirate of Philosophers;* of which Des Cartes was one. The other two (Newton and Locke, if I read him right) he had neither thoroughly studied; and he seems to have thought it beneath the dignity of his philosophy to give them a serious and ample perusal. And we have already noticed two learned members ‡ of Cambridge-University, who strenuously opposed the writings of Newton and Locke. So I must repeat, that the Newtonians may congratulate themselves that the giving of the Royal Statutes preceded the birth of Des Cartes; for, had there been a statute fixing his philoso-

* *Mr. Whiston's Memoirs of his Life and Writings, Vol. I. p.* 36.

† *Epistola* H. *Mori* ad V. C. *quæ Apologiam complectitur pro Cartesio quæq. Introductionis Loco esse poterit ad universam Philosophiam Cartesianam.* Sub finem Enchirid. Eth. 1711.

‡ Dr. Green, a Tutor of Clare Hall, wrote a work, entitled, "The Principles of Natural Philosophy, in which is shewn the Insufficiency of the present Systems, to give us any just Account of the Sciences," &c. Cambridge, 1712. In this work the Newtonian System is opposed. Mr. Lee, a Fellow of Emmanuel College, wrote, *Anti-Scepticism, or Notes upon each Chapter of Locke's Essay, in four Books.* Fol. 1702.

phy for the "philosophical faith," it might, perhaps, have continued much in vogue to the present day.

But, we may expect, that no branches of literature will be so likely to be affected by the spirit of our Statutes, as Scripture-Criticism and Theology.

It is natural to suppose, that people of different religions should each severally take as the standard of their controversial appeals, and the rule of their academical exercises, that Book, which they consider as the source of their doctrines. On this principle the Reformation in England at first avowedly proceeded, and on this *only*, in strictness, can it be defended. This was *the foundation-stone*: hence the famous adage, so expanded and enforced in an ample volume by Chillingworth, THE BIBLE, THE BIBLE, IS THE RELIGION OF PROTESTANTS.

But facts do not always correspond with our prejudices and presumptions. And there appears to be a strange tendency in mankind to pay to a second-rate authority that deference which is due only to what they acknowledge to be of the first; like travellers, loitering on a road, or striking out of it, to gaze at a directing post, instead of going, though on a sure pathway, right on. Hence, their subjection to Misnas, Vedants, Expositions of Doctors, Creeds, and Articles of Faith. Hence, at the Reformation in England, the avowal and disavowal of the same principles with almost the same breath. In separating from the Romish Church, men asserted the right of private judgment in matters of religion; but, on combining immediately into new societies, they ruined their own cause, by harassing their churches and Universities with the same weapons, with which Catholic opponents had harassed their own party before. Here, men otherwise judicious, betrayed some want of judgment, as in a subsequent period Bishop Bossuet did his consummate skill: for in a Conference, which as advocate for the Romish Church he had with Mons. Claude, the head of the French Protestants, he

defeated that honest, but unguarded, disputant with his own arguments; so that the best defence which his memorialist and admirer can make for Claude, is, to repeat what Bossuet said of him, "that Mons. Claude said the most and best that could be said for a bad cause*." Hence the French Catholics used to call the Protestants, the *Pretended Reformed*.

The Catholics, it appears, charged (as Bellarmine most pointedly charges†) the motley brood of opinions, those *terrible* heresies, which sprang up with the Reformers, to their doctrines, to casting off the Infallibility of the Roman Pontiff: and, by way of parrying this thrust, the latter hit on the silly expedient, by Harmonies and Confessions, drawn up in their Synods, to hold out an Infallibility of their own.

A most intelligent writer, formerly a member of Catharine Hall, Mr. Archdeacon Blackburne, has given a View of the Rise, Progress, and Effects of Established Confessions of Faith in Protestant Churches, proving them to be a most serious encroachment on religious liberty, and altogether indefensible on truly Protestant principles. The learned Archdeacon pointed his arguments against the subscriptions imposed on the Clergy of the Established Church; but they will also apply to those on the members of the University, and with more force, and in a greater variety of particulars. For not only had a Statute of Elizabeth‡ laid down, that "no person should in any Sermon, in handling any Common-Places, in Public Readings, or in *any other public manner*, within our University, teach, or treat of, or defend, any thing, against the religion, or any part of it, received and established in our kingdom by public authority; nor any thing contrary to any state, authority,

* Life of Mons. Claude, (prefixed to his Essay on the Composition of a Sermon, with Notes, &c.) by his Translator, Mr. R. Robinson, p. 41.

† Bellarmin. de Romano Pontifice.

‡ Stat. de Concionibus, A. 1570. See p. 194 of Priv.

dignity, or degree, ecclesiastical or civil, of this our kingdom of England or Ireland;" but this was afterwards followed up by *the Regiæ Literæ* of James *, in which his Majesty signified his pleasure, that he would have all that take any Degree in the Schools to subscribe to three Articles (which shall be given presently): suffice it now to say, they include not only "the oath of allegiance, and of the King's supremacy as well in spiritual or ecclesiastical things or causes, as temporal, &c." but to the Common Prayer, "that it containeth *nothing contrary to the word of God*," and *to all the* 39 *Articles*, besides the Ratification, fixing them to one settled, literal, grammatical sense. *Now, it* might be observed, that neither the above Statute of *Elizabeth*, given in 1570, nor King James's Letters, first sent in 1603, and delivered with his own hand in 1616, appear to have been confirmed by Act of Parliament (as most of our Charters are, and as Elizabeth's first Charter, given 1561, certainly was); and, further, that both King Edward's and Queen Elizabeth's *first* Statutes were of a far more *Protestant* character than Elizabeth's *last*.

I have said, that the Statutes and Letters affect the members of the University in a greater variety of particulars, than they did the clergy, in their ecclesiastical subscriptions. And this is true, so far as the *law* goes; for by an act passed in Elizabeth's reign, and never repealed, no other subscription was required, than to those articles "*which concern the Confession of the true Christian Faith*, and the Doctrine of the Sacraments.". The Disciplinarian Articles, as they are called, made no part of the Act, as may be seen at large in the Journal of Queen Elizabeth's Parliament, as published by one of our Cambridge Antiquaries †.

* See Priv. p. 347.

† Sir Simonds D'Ewes's Journal of Queen Elizabeth's Parliament, p. 239, &c.

At present, it is more to the purpose of our argument to observe, that the above Statute and Royal Letters, or Orders, suppose the members of the University to have a thorough knowledge of all things contained in the Liturgy, the 39 Articles, Homilies, and Canons of the Church; and a hearty approbation of them; and, that these 39 Articles present the outline or summary of what is called a Body of Divinity, according to the Faith of the compilers, on, what are supposed to be, all the leading doctrines of Religion, both natural and revealed; of a prescribed Formulary of Church Discipline, and of various points of Christian Antiquities; all strict as to doctrines; numerous and minute as to particulars; extensive, as well as complicated, in their views; and authoritative as to their obligation. These, of course, will influence our College Lectures, direct our University Sermons, become the subject for academical Exercises, controul our public Schools, and give rule and law to our Divinity Professors.

Hæ tibi erunt Artes—

Within limits so extensive, yet so narrow; so sanctioned, yet so doubtful; so solemn, yet, perhaps, so erroneous; are our religious inquiries circumscribed by these Statutes and Regiæ Literæ. What is this but locking up all our powers for a rational inquiry into matters of religion; and shackling every thing that deserves the name of Theological Literature?

Here, then, we have an enormous power, which, were I speaking of Church matters, I should say, sitteth in the temple of God, speaking and acting, as though it were God; but, treating of academical subjects only, I must beg leave to say, it sitteth in the Schools, speaking and acting as the oracle of all metaphysical and theological *truth*—to the destruction of the great leading Protestant principle, the right of private judgment in interpreting scripture—to

the confusion of all proceedings in the Divinity-Schools—to the contradiction of its own Decrees—to the perplexity and dismay of thinking, conscientious members of the University, who may be students in Theology—*to the destruction of the Protestant principle of the right of private judgment*—as might be shewn in the famous example produced in Dr. Jebb's Works *, of Mr. Robert Tyrwhitt, of Jesus College. The learned gentleman proposed four theological questions, which (on the Protestant principle of the right of private judgment) he proposed to bring to the test of Scripture. But the learned Professor (Dr. Rutherforth) refused to admit the questions into the Schools; *no doubt*, because he thought they were not quite agreeable to the 39 Articles—*to the confusion of all proceedings in the Divinity Schools, and in contradiction of its own Decrees*—as in an act, kept by Dr. Milner, on Justification by Faith, in which Dr. Coulthurst was an opponent. Now, if the thesis of the former of these learned gentlemen was agreeable to the Articles, the latter, in his opponency, must have gone contrary to them. If the opponency agreed with the Articles, the Thesis † must have been contrary to them; and either way there must have been a violation both of Queen Elizabeth's Statute and King James's Regiæ Literæ—*to the perplexity and dismay of thinking, conscientious members of the University, who may be students in theology*—as will be found exemplified in a Sermon, preached in Trinity College by Mr. Garnham, formerly a senior Fellow of that society. The learned gentleman prefixed to his Sermon, when published, "part of the oath taken by every Fellow upon his admission:" *this*, in reference to the study

* Vol. I. of Dr. Jebb's Works, Memoirs, &c. p. 31.

† This act, above others, has been mentioned, merely as one that was somewhat famous in my time, though I was not present at the keeping of the act. But indeed every question that *can* be put up in the Divinity Schools is liable to the same objection.

of the Scriptures, and to the conduct to be pursued by the Fellows in opposing errors, is perfectly consistent with the leading Protestant principle already mentioned. He then makes an extract from the University Statute, *de Concionibus*, (the statute which I have already referred to) in a way of comparison; and this University Statute he shews is toto cœlo in opposition to the College-Statute, though *both* were given by the *same* authority, Queen Elizabeth. Mr. Garnham then puts several pertinent questions, shewing, that the College-Statute and University-Statute are in diametrical opposition to each other; that the members of the University are in the habit of violating the University Statute daily in the Divinity Schools; that the theological disputations, therefore, are, on the principles of that statute, nugatory with respect to the advancement of truth; that, whichever side has the advantage *in* the Schools, yet *out* of them, opinions and systems *must* continue statu quo; and, that it is *tantalizing* and *insulting* to insist on such discussions *.

Theology, in her Sermons, preached in our University pulpits, and in various publications from the press, has, indeed, frequently asserted her freedom; and, sometimes, her *right* to be free, by appealing to a certain *Royal Declaration*, published with the 39 Articles in a later period; but how ineffectually is fully shewn by Archdeacon Blackburne †. She is still bound to subscribe these Articles in their original, *literal, and grammatical sense*. It would be easy to shew, by proofs ‡ drawn from Sermons,

* A Sermon preached in Trinity College Chapel, Cambridge, on Thursday, Dec. 19th, 1793, the Day appointed for the Commemoration of the Benefactors of that Society.

† *Confessional*, ch. iv. p. 124, 2d ed.

‡ Instead of such proofs, I shall content myself with appealing to the testimony of four writers of very different sentiments, three of whom were members of our University of Cambridge—Mr. Collins (a private gentleman), one who was called a Freethinker, in a Discourse on Freethinking,

from notes in Bibles printed in Elizabeth's reign, from the sense given to the doctrines of the Church of England, by the suffrage of Divines at the Synod of Dort, as well as from the writings of the compilers of the 39 Articles, what the original sense of those Articles most certainly was upon what are called the five points; and then in succession it could no less easily be shewn, that our public preaching in the University pulpits was for a series of years in a strain very little allied to them.

Hence it was, that a zealous party, which proceeded from the University of Oxford, in the middle of the last century (Mr. Whitfield and others) used to make their constant appeal to the doctrinal Articles of the Church, on *Justification, Predestination,* and such-like: and, though it was supposed, that some of these gentlemen were no hearty friends to the disciplinarian Articles, yet they became ministers of the established church, and under protection of the doctrinal Articles, they conducted themselves like men, who think themselves surrounded by an impregnable fortification *.

But truth being founded in nature, will stand, like a rock, independently of human authority; opinion, resting on fallible judgment, however propped, is liable to give way, and,

p. 70—Archdeacon Blackburne, an Arminian Divine, in His Confessional, ch. iv.—Mr. Simpson, Rector of Macclesfield, a moderate Calvinist, in a posthumous work, entitled, A Plea for Religion and the Sacred Writings. New Edit. 1810—and Mr. Augustus Toplady, Vicar of Broad Hembury, in his Doctrinal Calvinism of the Church of England.

* See *Theron and Aspasio, by the Rev. Mr. James Hervey*; and various other publications during that period.

At a period a little subsequent to the above, certain students were expelled from Oxford, on account of their conduct, as what were called, *Methodists.* The author of *Pietas Oxoniensis,* and others, who appeared as vindicators of *the expelled Students,* made very ample references to these *Doctrinal* Articles; and one or more of those Oxford Students were afterwards ordained ministers in the Established Church.

as is said of the fabulous tree of Java, to breathe poison and death while it stands.

Human formularies, therefore, on men of genius are impertinent check-strings, causing them to stop, when they ought to proceed; to be cautious, where they should be resolute; timid, where they ought to be firm; slothful, where they should be industrious; and, even when they make discoveries, backward and procrastinating in communicating them: to men, of very moderate abilities, and shallow, superficial arguments, they give a dangerous confidence, a popular boldness, an oracular power of appeal, an authoritative tone of decision; and men of weak capacities, and humble attainments, they keep in their state of infancy, and hold in leading-strings, all their days.

Such is the nature, such sad experience has proved it to be, of our Corpus Confessionums, our human Formularies of Faith in Protestant Communities. Men seem to have thought, that human opinions rise in value, for a succession of two or three centuries, as figures increase in value, ten times backwards towards the left hand. Whereas the contrary ratio is, in numerous cases, and for obvious reasons, found to be the true one.—With respect to our Divinity Schools, at Cambridge, we may take the rationale of them pretty correctly. The late learned Professor, Dr. Watson, published *six volumes of Theological Tracts*, prefixed to which will be found a *List of Questions* proposed in the Schools through a series of years in the Divinity Schools, viz. during the Professorships of Dr. Rutherforth, of himself, and, at a much earlier period, of Dr. Tuckney. It will, on all hands, I apprehend, be allowed, that while Bishop Watson was engaged in the duties of his office, he discharged them with as much liberality as discernment; and in the selection of his Tracts he has displayed the same liberality. This spirit may be seen in his distinguishing the Questions of Dr. Tuckney, (who was ejected in 1662 for nonconformity) above those of others, who had been Divi-

nity Professors, in the intermediate time, between Dr. Tuckney and Dr. Rutherforth. It is no less visible, from his inserting, among his Tracts, some of Dr. Clarke's, and several written by Protestant Dissenters, Dr. Taylor, Dr. Priestley, and others: but *would* Bishop Watson, or, circumstanced as he was, *could* he, or, as some might ask, being bound by his own subscriptions to Queen Elizabeth's Statute, and *King James's Letters, ought* he, to have admitted questions vindicatory of Dr. Clarke's "Catholic Doctrine of the Trinity," of Dr. Taylor's "View of Original Sin," or of certain of Dr. Priestley's *Polemical Writings*? It is evident, I think, that the learned Professor, however liberal-minded, would not; it is evident, also, that the above-mentioned questions do also, in some sort, actually consider the Established Formulary as the Ruling Star of our Divinity-Schools; and, that where they do not point directly to it, the variations are but small.

It will be recollected by some, that this learned Professor, when officiating as Moderator in the Divinity-Schools, used sometimes to hold out in his hand a Greek Testament, intimating, at the same time, *that* to be the rule, which the disputants should regard in their arguments, and *himself*, in his decision; and this, as if he should say,—though he did not so express himself—"in defiance of the 39 Articles." This was done with his accustomed dignity (for he was well-instructed in the Protestant Doctrine of the Right of *Private Judgment*, though he had not learned it from Elizabeth's Statutes, or James's Letters), and not in the facetious, ironical spirit of Father Fulgentio. This preacher was once addressing a Popish assembly at Venice, on Pilate's question, "What is Truth?" When, holding out to them a New Testament, he informed them, that after much investigation, he had discovered it; and looked, as though intending to present it to them: then closing the book, and putting it into his pocket, he archly continued, "but the book is prohibited." Now, to present men with a book,

and to oblige them at the same time to receive a given interpretation of it (as was done towards Churches and Universities at the Reformation, and still is), to the extent of these 39 Articles—this is little different from locking up the sense of it; for it precludes the free use of it, and prevents an unbiassed examination of its contents. All the *Vindications of Subscription*, and grave *Sermons*, united, of Drs. Rutherforth, Powel, Halifax, and Hey, cannot furnish an answer to Father Fulgentio's honest irony.

3. Having thus considered, in a general way, the influence of our Statutes, Royal Letters, &c. on Criticism, and Theological Literature, let us,—to put the matter in the most striking point of view—add a few words on the *Nature* and *Extent* of our Subscriptions, together with the testimonies of several learned men, members of our University, against them.

An extract from Queen Elizabeth's Statute has been already given, and an allusion also made to King James's three *darting* Articles, as he used to call them. As, over and above an obligation to obey University and College-Statutes, the members of our University are also bound to receive the above Articles, as the rule of their faith and practice, it may not be improper to give them here at full length. They read, as follows:

"I. That the King's Majesty under God is the only supreme Governor of the Realms; and all other his Highness's dominions and countries, as well in spiritual as ecclesiastical things or causes, as temporal, and that no foreign prince, person, prelate, or potentate, hath, or ought to have, any jurisdiction, ecclesiastical or spiritual, within his Majesty's said realms, dominions, and countries.

"II. That the Book of Common Prayer, and of Ordering of Bishops, containeth nothing in it contrary to the Word of God; and that it may lawfully be used; and that he himself will use the form in the said book prescribed, in

public prayer, and administration of the Sacraments, and no other.

"III. That he alloweth the Book of Articles, agreed upon by the Archbishops, and Bishops of both provinces, and the whole Clergy in Convocation holden at London in 1562, and that he acknowledgeth all and every of the Articles therein contained (being in number 39, besides the Ratification) to be agreeable to the word of God.

"We, whose names are underwritten, do willingly, and ex animo, subscribe to the 3 Articles above-mentioned, and to all things therein contained *."

One or two brief remarks should be made here.

By a Grace, then, which passed the Senate Jan. 2, 1613, it was ordered (juxta tenorem literarum a serenissimo Rege Jacobo missarum) that no one should have *a Grace passed, for the Degrees of Bachelor in Theology, or Doctor in any Faculty, till he had subscribed James's three Articles.* But James afterwards so narrowed this Grace, as, it should seem, to supersede it, and to place in its room his own Royal Order of Dec. 12, 1616, which, among other things, runs thus—"*that his Majesty signified his pleasure, that he would have all that take any Degree in Schools to subscribe to the three Articles,*" quoted above.

It seems, as though James, wished to have it understood, that he behaved towards the University with great liberality and condescension in this business; and the Bishop of Winchester, with King James's Order, sent the following strange Letter to Dr. Hill, Master of Catharine Hall, who was the Vice-Chancellor that year.

"Good Mr. Vice-Chancellor,

"I have sent you his Majesty's hand to his own direction: I think you have no precedent, that ever a King first with his own mouth, then with his own hand, gave such

* Excerpta e Stat. Acad. Cantab. p. 25.

directions; and, therefore, you shall do very well to keep the writing curiously, and their directions religiously, and to give his Majesty a good account of 'em carefully; which I pray God you may: and so, with my love to yourself and the rest of the heads, I commit you to God.

"From the Court, the 12th Dec. 1616."

Such, then, is the theory, according to King James's three *darling* Articles, of Subscription; and both of the theory and practice an account is given in another part of this work: it is unnecessary to treat of them further here. The truth is, the few pages now remaining to the end of this Dissertation have been lying blank for a considerable time, during which, what was intended to be stated here, has been treated of in another place. The testimonies of learned Academics against the system are also there given. The few following pages, therefore, shall be filled up with other matters.

After so much, elsewhere advanced, concerning spurious charters, a desire was felt to pursue the same course relative to them, as will be found to be adopted towards some other subjects, which concern our Universities: this was, to introduce the testimonies of learned men on these points, so that some opinions, which have been advanced, might appear to flow in the natural order of facts, and to rest not on private, prejudiced, and doubtful allegations, but on public, unsuspected testimonies, on well-established, substantial authorities; for, I am aware, it may startle some people, not accustomed to this sort of inquiry, to read, that charters and other public instruments, which could confer the most powerful privileges, give the most extravagant exemptions, and convey the most extensive possessions, were many of them gross forgeries. Certain, however, it is, that the forging of charters was so common a practice, from the sixth to the eleventh century, and even later, that it may almost be said to have been a profession.

And, indeed, antiquity itself, notwithstanding its venerable character, is a great deceiver; often, by reason of the mists, through which remote objects are viewed; and as often, by the false lights thrown around them by imposture. Substances the least liable to decay or fade, and the least exposed, one might think, to fraud, have had their *falsarii*. Hence monuments, seals, medals, and ancient coins, have been falsified in abundance; so that treatises on ancient art can scarcely be said to be complete, that do not furnish the means of distinguishing the true from the false. But paper was a more manageable material; and writing, with those who could write, of easy fabrication. Of the various Greek and Latin writings ascribed to the wrong authors, some, no doubt, have been falsified rather by mistake, than design: but pious fraud and worldly policy have been positive, *grand* corruptors and impostors; and of *false old Testaments, false new Testaments, false apostolical Fathers*, and the like, there is no end *,

* Of mistakes or deceptions on the above subjects, ample testimony is borne —on monuments and seals by the Critic on the Parian Chronicle, by Wolfius, and Mr. Knight, in their Prolegomena to Homer;—on classical writers, by Dr. Bentley, in his Dissertation upon Phalaris, 1777;—on coins and medals, Latin, Greek, Hebrew, and other nations, &c., by Gorlæus, Hoppingius, Mabillon, Anderson, and the author of Disser. de Usu et Præstantia veterum numismatum; Dichiaratione della Hebraica Medalia detta Maghen David, Abraham, &c. di de Angelo Gàbriele Anguissola. Mediol. 1617; and by various writers, among those enumerated, de Scriptoribus de Reditibus, &c.; de Nummis, &c., by Fabricius, Bibliogr. Antiq. cap. xvi.—Of suppositious writings ascribed to the patriarchs and prophets, Fabricius enumerates 240; *Codex Pseudepigraphus Vet. Test.* Collectus a J. A. Fabricio. Hamb. A. 1713. In his Codex *Apocryphus Novi Testamenti*, he has published a similar collection of suppositious Gospels and Fragments relating to the Gospel History. Of certain suppositious writings, under the title of *Patres Apostolici*, many authors have written; and more generally, a former librarian of the Bodleian Library (Dr. James) has written much at large, "A Treatise on the Corruption of Scripture, Council, and Fathers, by the Prelates, Pastors, and Pillars of the Church of Rome: (Oxford, 1688,)"—many of which were before reckoned spurious, and even formally rejected by Cardinal Bellarmin, and Baronius, and other learned men of the Roman Church.

Of books, such as those called classics, it is not pretended, indeed, that we have the autographs of the original authors, but only the apographs. Charters were more liable to mislead; and the manufacture of them was at once more easy and seductive.

Of books, it may be further observed, that of such as were deemed worthy of being written out, many copies would be taken; so that, if one of them was lost, others of them might be preserved. But charters were rarely duplicates; they were almost always single copies: so that such single copies, as those *original* charters are supposed to have been, if lost, must have been lost for ever. An intelligent writer, who had well-canvassed writings of this kind, maintains, that all such of the date of our supposed ones, though he was not speaking of them, must have been worn out by the rust of time, or would have been swept away by the devastations made of them by successive conquerors. But, to cut the matter short, with respect to some of our supposed ancient charters, they are of a date, as hinted in another part of this work, prior to the public use of such instruments in this country.

But, passing general observations on fictitious charters and bulls, let us receive the more particular the testimony of learned antiquaries; and first, that of Philip Labbe, an erudite and industrious inquirer into ecclesiastical writings, and ancient charters, of the authenticity of some of which (he exemplifies by those of France,) he expresses his strong suspicions, of others he asserts, that they were undoubtedly forged. One is ascribed to King Clovis conveying lands in Burgundy, before he possessed that kingdom*; in another, Ostregesillus professes himself bishop of a large province in Gaul (that of the Bituriges†), a hundred years before his consecration; and one is given to Clovis, dated thirteen

* Hist. Sacr. Tom. I. melange curieux, p. 3, 5.

† Ibid. p. 311.

years after his death *. These, and various other examples of charters, undoubtedly fictitious, are produced by the learned Jesuit, Philippe Labbe.

The next authority I shall cite is that of Mabillon, who published a work of much research and great celebrity, de Re Diplomaticâ. The professed aim of this work, as he avows in the opening of it, is to lay down certain and accurate conditions and rules, by which legitimate instruments may be discerned from spurious ones, and those that are certain and genuine from such as are uncertain and of doubtful authority, atque ita ut muniat viam contra *falsariorum* imposturas; and he admits that, during many ages, there were not wanting forgers, by whom spurious diplomas were manufactured so as to imitate true ones †; and he admits that these falsatores lived from the sixth up to the eleventh century.

Another learned Jesuit follows in the same track, but extends his views still further. He compliments both the fidelity and learning of Mabillon, but thinks that many even of those charters and bulls, which Mabillon supposed to be genuine, were false: he maintains, as Mabillon had before, that forging charters was a common practice in the sixth, seventh, eighth, and the following centuries, up to the eleventh, and that all ascribed to the Merovingian and Carolovingian line of the French kings are forgeries. He produces various charters, on which he founded his arguments; and I am not aware that Mabillon ever attempted to answer them ‡.

It may be observed, in passing, of the University of Paris, that it is probably of an earlier date than that of Cambridge; and yet it does not pretend to carry its charters of Privileges and Bulls so high. Monsieur Crevier, whom

* Hist. Sacr. Tom. I. melange curieux, p. 394.

† De Re Diplomaticâ. Lib. I. c. 3. § 1. p. 1.

‡ De Veteribus Regum Francorum Diplomatibus, et arte secernendi vera a falsis, Autore P. Bartholomæo Germon. Par. 1703. Cum Privilegio Regis.

we have frequent occasion to cite elsewhere, knew no laws more ancient, relative to the scholastic discipline, than those of London in 1138, a decretal of Alexander the Third, and a decree of the Council of Lateran, under the same Pope in 1179, and of public instruments, relative to its rectorship (which is tantamount to the existence of a university), he observes—" D'ailleurs le title, sur le quelle on fonde le prétendut rectorat de Jean Scot Erigené, est bien caduc, et la Bulle de Nicolas I. est légitement suspectée de fausité *. It may be noticed, also, of the University of Oxford, that, though it has no fundatorial false charters, yet it contains one, among the archives in their Tower, against their Privileges †; and a writer referred to in another place has proved by unanswerable arguments, that several charters and deeds, or grants, of a later date, relating to University College, are the grossest fabrications ‡.

Of charters undoubtedly, spurious and forged, several English and Scottish writers have given abundant proofs. Among others, Mr. James Anderson, author of a work which obtained for him a great name among his countrymen, and Mr. Ruddiman, who wrote an elaborate preface to it, have treated much at large both on charters and seals. The use of charters and seals, it appears, is of a date somewhat later in Scotland than in England. But one, at least, of the earliest of them is supposed by Sir John Dalrymple, a great authority on Scottish antiquities, and by Dr. Hickes, not to be genuine; and Anderson and Ruddiman both refer to public instruments, which are proved to be forgeries. After various observations on charters and seals, Ruddiman, in his Preface, p. 103 §, adds, " It remains to add somewhat concerning the diffe-

* Hist. de l'Université de Par. Vol. VII. p. 107.

† The Annals of University College, Oxford. By William Smith, A.M. Fellow of that College, Dedicatio, p. x.

‡ Ibid. pp. 10, 116, 117, 118.

§ Of the English Translation of Ruddiman's Introduction to Mr. James Anderson's *Diplomata Scotiæ*. Printed separately; Edinb. 1773.

rent frauds committed by forgers upon seals as well as charters. The industrious Heineccius remarks, that there were six ways whereby a forgery or mistake may be committed in these, and illustrates them by examples." He proceeds to quote Heineccius.

Finally, among English writers on this subject, Dr. George Hickes stands pre-eminent, as well for his great learning, as his acknowledged accuracy and fidelity. He clearly perceived, that charters, for which such high antiquity is claimed, with the seals annexed to them, were forgeries; he traces the origin of charters and seals; he lays down marks, by which genuine and original ones may be known, and false ones detected; and he shews, with the other learned men above-mentioned, that the practice of forging charters and seals was a practice of the sixth up to the eleventh century: and of such-like false instruments he gives ample proof *.—Whether these writers bring any of their examples from Cambridge History, is of no consequence. It may, however, be remarked, that the dates of our supposed ancient charters, and the time when they were probably fabricated, fall within that period, when forging charters and bulls, and other grants, is allowed to have been so commonly practised, as perhaps, scarcely, considered a crime †.

And here, the blank pages being nearly filled, the Dissertation must close. It must suffice to have stated facts, and to have appealed to the authority of the above writers. In them may be found every thing that is necessary for the purpose of illustrating this subject; and it would be out of place to go into particulars here: generally, however, we may remark, that counterfeit charters, bulls, with seals, and other instruments, owe much of their origin—to the

* Lib. 2. Antiquæ Literaturæ Septentrionalium.—Dissert. Epistolari, p. 109—et Brevi Conspectu Hickesii Operis. Lond. 1708.

† Nec clerici tantum et monachi, sed notarii, scribæ, pædotribæ, seculares, imo etiam faminæ, in illud facinus inciderunt. Mabillon.

ignorance of the dark ages, when few but clerks could read or write,—sometimes, perhaps, to a supposed existence of prior, real grants—to the confusion into which property was thrown, and the havoc that was made of all authentic documents, during the wars of the Saxons, Danes, and Normans—to a suspicion of future claimants, accompanied with a belief, (agreeably to the doctrine, that, Dominion was founded in grace) that too much could not be claimed for *God and the church*. The lay-abbots, no doubt, had a share in these frauds; but monks and priests were the principal movers in them.

Germon, the Jesuit, author of an able work, referred to above*, introduces it, by observing, "that had he thought the publishing of it could have any way proved injurious to the churches and monasteries, whose ancient instruments he had examined, he would have foreborne the publication:" but adds, "it is of no consequence, or very little, to the churches and monasteries, whether, after so long a series of years, their more ancient instruments are true or false." A remark similar to this I have made elsewhere, relative to the more ancient charters copied from the archives of the University of Cambridge: antiquaries may, in their fondness, make them the ground of their disputes, and historians, if they please, take from them something to give colour and strength to their narratives. But, it is evident, they can answer no purposes in real business, and will have little or no authority, in settling any disputed claim. Whether true or false, they have answered all their purposes, by serving as stepping-stones to the present Privileges of our University.

These Privileges are now held not by doubtful charters and musty bulls, but by the sanction of the English Legislature. The British Parliament, therefore, is become a guarantee, to secure them in all their legitimate, constitu-

* De Re Diplomatica Regum Francorum, &c.

tional privileges, (still, however, with reserve for its supreme legislatorial authority) while yet retaining the higher character of, Protector of the liberties of the nation. This is the strongest argument which, in a constitutional point of view, can be brought for the legislatorial interference in the abolition of our subscriptions to the 39 Articles, which by many liberal and good men has been reckoned (as already urged) to be a dreadful tax on the morality, religion, and liberty of the country, and, at the same time, the most serious invasion ever made, though by royal authority, on the Privileges of the University.

I shall close with notifying to my readers, that *in* 1812 I published *Four Letters on the English Constitution*; and I perceive the venerable Major Cartwright * has done me the honour to oppose one or two points advanced in them. These I may consider at my leisure, though, perhaps, I may not think so highly of some things in the English Constitution, as the Major. But be this as it may, those Letters were written as a pledge to certain friends, that, in the *Privileges of the University of Cambridge* I did not intend to act inconsistently with the principles advocated in my Inquiry into the *Nature of Subscription, in Reference to the natural Rights of Mankind, the Powers of the human Mind, the Doctrines and Precepts* of Christianity, *and the Principles* of the British Constitution, first printed in 1789; and I hope it will be found that I have endeavoured to redeem the pledge.

P. S. I have said elsewhere, that I might, perhaps, say something (omitted in its proper place) on another of our ancient Bulls; but having lost certain memoranda, and being now employed on other subjects, I shall be easily forgiven, if I have taken my leave of such matters.

* *The English Constitution Produced and Illustrated. By John Cartwright.* 1823.

ENGLISH MANUSCRIPTS*

IN THE

PUBLIC LIBRARY OF CAMBRIDGE.

ABBOT, Archbishop, his Opinion on the Earl of Essex's Divorce
Adams, Thomas, his Letters to Professor Wheelock
Æsop at Tunbridge
Aglionby, William, his Letters
Akehurst, Alexander, his Charge and Defence
Alcock, Bishop, his Abbey of the Holy Ghost
Aldred, Thomas, his Letter against the Spanish Match
Allingtone, Richard, his Confession
America, Prospect for peopling and planting the Christian Religion in the North-West Parts of America
Anderson, Edmond, his Letter to Sir Francis Bacon
Andrews, Bishop, A Discourse against a second Marriage after a Divorce
Concerning Abstinence from Meats, and Observation of the Jewish Sabbath.
On the Countess of Shrewsbury's Case
Consecration of Ridgeway Church
Exposition on the Commandments
Anslowe, Mr. Law Readings
Arithmetic, Treatises on
Arlington, Lord, his Speech in the House of Commons, in Defence of Himself

* These Catalogues, &c. make part of the *Cambridge Fragments* announced in the other volume. They are placed here to prevent a disproportion in the size of the two volumes.

Arundell, Count, his Apology for accepting the Honour of Comes Imperii
Ascham, Roger, his Letters
Ascham, Mr. A Discourse on Marriage
Assembly of Divines, A Journal of their Proceedings, taken by Dr. Lightfoot
Ashby, George, his didactic Poem to Prince Edward, Son of King Henry VI.
Atkins, Richard, A true Report of the horrible and merciless Martyrdom of Richard Atkins

Babbington, his Letter to Queen Elizabeth
Bacon, Anthony, his Letter to the Earl of Essex
Bacon, Sir Francis, his Answers to the King touching the Prosecution of Somerset
Proceedings in Parliament against him
His Charge at the Sessions of the Virge
Maxims of the Law
Preparation towards the Union of England and Scotland
His Speech to the Judges in the Star-Chamber
Bacon, Sir Nicholas, his Speeches at the Council Table, in Parliament, and Star-Chamber
Bagford, John, History of Typography
Account of the first Impression of the Bible in England
Balzac, Mr. Letters between him and Mr. Dumoulin
Barlow, Thomas, upon the English Historians
Barlow, Bishop, his Manner of consecrating the Church of Fullmer
His Speech in Parliament
Barnes, Joshua, Letter to Mr. Langton
Barnwood, Courts held for the Forest of Barnwood
Baronets, Case between Baronets and younger Sons of Viscounts and Barons for Precedency

Bartow, Henry, his Examination before the Queen's Commissioners

Barrow, Isaac, Volume of Sermons supposed to have been written by him

Battie, William, his Letter to Bishop More

Baverius, John, Collections from his Works

Bedford, Levell, Proposals for the better Management of it

Billars, Mr. his Speech to the King and Queen

Blomfield, William, Regiment of Health

Bollard, Nicholas, of gendering, planting, and grafting of Trees

Bosworth Field, a Poem

Bradford, Mr. his Letters to Cranmer, Ridley, and Latimer, to Russell, to the University and Town of Cambridge

Bridewell, a Discourse upon the Commission of

Brook, John, Arms of the Knights Baronets

Brown, William, Collections of Receipts for making compound Waters

Brute of England, Chronicle from Brutus to Henry IV.
to the Accession of Edward III.
to the 12th of Henry VI.
to Henry V.
Gallice, to Edward I.
Reign of Edward I.
to the Death of Edward I.
to the latter end of Edward II.
to Edward III.
to Edward I.

Burton, Drue, Collections out of Sinnertus
Collections out of Schenkius
Collections out of sundry Authors

Campion, Edmund, Histories of Ireland

Candia, Narrative of the taking of the Isle, A. D. M.DC.LXVII.

Cambridge, Proof of the Ecclesiastical Jurisdiction of the University
Practice of the University in restraining or inhibiting Preachers
Scot's Account of the Foundation of the University and of the Colleges therein
Capgrave, John, his Chronicle
Caple, Richard, his Description of the Holy Land
Carr, Earl of Somerset, his Arraignment and Trial
Catherine, Dutchess of Suffolk, A Discourse of her Troubles and happy Deliverance
Cavendish, George, his Life of Cardinal Wolsey
Cecil, Lord Burleigh, Letter to Mr. Ascham
His Letter to his Son, Sir Robert Cecil
A Treatise against Jesuits and Recusants
Chamber, Robert, his Memorandum Book
Charles I. Venetian Ambassador's Account of his Temper and Disposition
Chaucer, his Treatise on the Astrolabe
His Canterbury Tales
Do.
Do.
Do.
Do.
Do.
Troilus and Cresseida
Other Poems
Hearne's Letter on his Life and Writings
Chronicle, of Scotland, in Verse, to the Reign of James II.
English Chronicle, from the Landing of Constantine to the Accession of Henry IV.
French Chronicle, from the Creation to 1306
Coin, whether a free Coinage causeth an Increase of Money or Trade
Reasons against Brass Money
Agreement concerning the Currency of Flemish and English Coin

Coin, Treatise on Coins, by Nicholas Tyery
Cope, Sir Walter, his Apology for Sir Robert Cecil
Corbett, Bishop, Verses to the Ladies of the new Dress, with their Answer
Cornwallis, Sir Charles, Two Letters to James I.
Cotton, Sir Robert, Extracts from the Records by what Means the Kings of England have and may raise Money
Short View of the Reign of Henry III.
Of the Office of Lord Steward
Of the Office of Lord High Constable
Of the Office of Earl Marshall
Abstract of the Precedency between England and Spain
Abridgment of the Records in the Tower
His Speech to the Lords of the Council
The Danger wherein the Kingdom now standeth, and the Remedy
Coventry, Thomas Lord, Some notable Observations on his Life and Death
Cromwell, Earl of Essex, History of his Life, Acts, and Death

Digby, Sir Kenelm, Explanation of a Stanza in the Fairy Queen
Drake, Nathan, his Collection concerning the Siege of Pontefract Castle
Dudley, Sir Robert, Propositions delivered to his Majesty for the Increase of his Revenue
Duke, Mr. his Verses spoken before the Queen
Durham, Description of the ancient Monuments, Rites, and Customs of the Church
Origin of the See, and Succession of the Bishops
Durie, John, his Letter on the Pacification and Union of the Calvinistical and Lutheran Churches

Edward the Confessor, his Legend, in French Verse

Egerton, Lord Keeper, his Letter of Advice to the Earl of Essex
Elliot, Sir John, his Petition when Prisoner in the Gate-House
Ellowis, Sir George, his Apology touching the Knowledge of Sir Thomas Overbury's Death
Elizabeth, Queen, Order of her Funeral
Her Christening
Her Reception at Cambridge
A Prayer made by her
Her Translation of Xenophon's Hiero
Empires, brief Survey of them
England, short Description
English Poetry, ancient—21 copies
Erasmus, S. his Legend, in English Verse
Eardswick, Sir Samuel, his Survey of Staffordshire
Essex, Earls of, Sir Henry Wotton's Parallel between Essex et Buckingham
Papers relating to the Divorce
His Charge against Viscount Wimbledon
Letters written by and to the (first) Earl, and an Account of his Arraignment and Execution

Fairfax, Sir Thomas, his short Memorial of some Things to be cleared during his command of the Army
Fairy Queen, a Supplement to it, in Three Books
Fleetwood, Colonel, his Account of the Expedition to the Isle of Rhe
Florus, his Fourth Book, translated into English
France, Arguments for the Succession of the Kings of England to the Crown of France
Fuller, Notes out of his Holy War and Holy State

Gainsford, Thomas, The One and Twenty Battles of Yorke and Plantagenet, with the Life of Nevil, Earl of Warwick

Gardner, Bishop of Winchester, his Letter from the Tower to the Protector
Genealogical Tables, of the Bourbon and other noble and royal Families
Of the Kings of England, from the Conqueror to Richard III.
Germany, Proceedings of the Diet
John Taylor's Negotiation in Germany
Gidding, Letter concerning the reputed Manners there
Goad, Roger, his Poem to Sir William More
Godolphin, Sydney, his Poems
Greville, Sir Fulk, History of Actions done in England
Grey, his Sayings presented to his Master the Duke of Somerset

Hales, John, Letters to Mr. Ascham
His Oration to Queen Elizabeth
Halley, Edmund, his Letters to James II. with Newton's Principia
Hannes, Edward, his School Exercises
Harringtons, Pedigree of
Harrison, Anthony, Collections relating to the Revenue of the See of Norwich
Hearne, Thomas, Letter on the Life and Writings of Chaucer
Henley, George, Letter to his Brother
Henley, A. Miscellaneous Observations and Anecdotes
Poems
Henry, Prince, (Son of James I.) Manner of his Sickness and Death
Heraldry, Descents, Marriages, and Arms of the Nobility, from the Conquest to 1605
Collections from different Authors of Nobility and Heraldry
Short Treatise on Heraldry
Morgan's Heraldical Collections
Arms of the Baronets, by Brooke

Heraldry, Collections relating to the Royal Family and Peerage of England
Arms and Pedigrees of several English Families
Tables of Precedency, Order of Funerals, &c.
Alphabet of Arms
Arms of the Nobility and Gentry, from the Conquest to James I.
Hooker's Heraldical Collections
Herbert, Westfaling, his Latin and English Poems
Hollis, J. his Letter to Lord Treasurer Cecil
Hooker, (alias Vowell) John, his Heraldical Collections
Howard, Henry, his Account of the Abdication of Charles V.
Hoy, Thomas, on the manufacturing of Sal-Ammoniac
Hudson Bay Company, their Memorials, with the Answer of the French Company
Hutton, Archbishop of Yorke, his Letter to Viscount Cranbourn

J. B. Bosworth Field, a Poem
J. H. Anarchy unveiled
J. R. The Spy, a Satire
Jackson, John, Collections of several Histories
Idle, Peter, his Instructions to his Son, in Verse
Jeffry, John, Letter to Bishop More
Jesuits, Minutes of Letters written by the Father Provincial in England
John, Zonaras, his Histories and Chronicles, translated by Lady Agnes Wenman
Ireland, Description of Ireland, by Sir Edward Waterhouse
A View of the present State of Ireland
Transcript of Letters Patent during the Lieutenancy of Lord Berkley
Collection of State Papers relating to the Affairs of Ireland, from 1590 to 1604

Kirk of Scotland, Act of General Assembly for abolishing Episcopacy

Kirk of Scotland, Recantation of the Bishop of Orkney
Knight, S. Letter to Bishop More
Knyvet, Sir Thomas, Poems and Translations
A Macaronic Poem against him

Lane, Thomas, Collections from various Authors
Lestrange, Sir Roger, his Letter to Sir Christopher Colthorpe
Lillye, a perfect Survey of the English Tongue
Lillie, John, Two Petitions to the Queen
Lincoln, Charter granted by Charles I. to the City of Lincoln
Lisle, William, his Letter to Sir Henry Spelman
Livington, John, Notes of his Life, written by himself
London, Report of the Lord Mayor and Corporation, concerning the Customs of the City
Order of a Watch
Lydgate, John, Poems, &c.
Chronicle of the Wars between the Grecians and Trojans
Lydgate, Thomas, Letter to Sir Henry Spelman

Mandevile, Sir John, his Journey to the Holy Land
Margareta, S. her Legend, in French Verse
Mary Queen of Scots, Extracts of Morgan's Letter to her
Inventory of Letters, and State Paper relating to her
Account of what passed between the King and her at Glasgow
Charge exhibited against her by the Regent, for the Murder of her Husband
Information against her for the Murder of her Husband
Confession of Hebrowne and Hey
Proof of the Intention of the Duke of Norfolk to marry her
Draft of her Will
Lenox's Discourse of his Son's Usage

Mary Queen of Scots, Fontenai the French Resident's Letter to her
Order of her Funeral
Duke of Norfolk's Declaration of his Proceeding with her
Allegations against her Title to the Crown of England, and Answers thereto
Dialogue on the Right of bringing her to Trial
Proceedings against her in Parliament
Her Trial at Fotheringay, and an Account of her Death
Her Letter to Queen Elizabeth, after *Gowrie's* Conspiracy
Narrative of the Case justifying her Sentence

Mathew, Tobie, Bishop of Durham, dedicated an Italian Translation of Lord Bacon's Essays to the Grand Duke of Tuscany, with whom he had been Envoy from James the First
His Letter to the Earl of Leicester
Morton, S. Letter to Bishop More

Nevile, Archbishop of Yorke, the Feast at his Installation
Nobility, a Treatise concerning the Nobility, according to the Laws of England
Norfolk, Duke of, Inventory of the Goods of the late Thomas Duke of Norfolk at Framlingham
Arraignment and Trial of the Duke of Norfolk
His Petition to the Queen
North, Lord, Some Notes of his Life, &c.
North, Cadbury, Case of the Rectory there
Northampton, Earl, his Letters to the Earl of Somerset
Norwich, Catalogue of the Deans
Harrison's Collections relating to the Revenues of the See of Norwich
Survey of the Lands belonging to the Bishoprick

Noy, William, his Will

OATH of Allegiance, Twenty Arguments against it
O'Brien Family, Account of, by Dennis Molony
Offices, A General Collection of the Offices of England
Oldfield, Sir Anthony, Collection of Letters relating to the Affairs of the County of Lincoln
Overbury, Sir Thomas, Proceedings against Weston and others, for the Murder of Sir T. O.

PACKINGTON'S, Lady, Certificate that she was the Author of the Whole Duty of Man
Parkhurst, Mathew, Letter to Bishop More
Parkhurst, Bishop of Norwich, Collection of Letters written by and to him
Parliament, Journals, Speeches, Debates, &c.
Pedigrees of several Noble Families in England
Peiresius' Letter to Sir Henry Spelman
Peyton, Sir John, First Part of his Observations during his Travels
Philips, Francis, his Petition in behalf of his Brother Sir Thomas Philips
Philips, Samuel, his Controversy with Mr. Edward Gwyn
Pierce, Plowman, his Visions
Powell, the Breath of an unfeed Lawyer
Prideaux, Dr. Letters to Bishop More

QUARLES, Francis, his Dream

RALEIGH, Sir Walter, Dialogue on the Prerogative of Parliament
His last Speech, Letters, &c.
His Arraignment and Execution
His Son's Petition for him
A Discourse concerning Peace with Spain
Revenue, Statement of in the Reign of James the First

Revenue, Account of Grants of Tonnage and Poundage, from Edward the First to James the First
Statement of in the Reign of Queen Elizabeth
General State of Receipts and Issues for the Years 1691 to 1695, with Observations made by the Commissioners for taking and stating the public Accounts, and by the Lords of the Treasury
The ordinary annual Receipts and Issues of the Exchequer
Assessment in Hertford and Bedfordshire, in the Year 1642
Accounts of the Cofferer of the Household to Charles I. when Prince
Account of Privy Seals and Monies paid thereon towards a Loan in the Year 1604
Accounts of the Pipe Office
Records delivered to the Commissioners of Revenue of Charles Prince of Wales
Report of the Revenue for five Years, ending 43d of Elizabeth
Rich, Lady, her Letter to the Queen in behalf of the Earl of Essex
Richard II. a Review of his Reign
Robert of Gloster, Chronicle, and Continuation
Romances, The Romance of Jason
Romance of King Arthur
The Romance of the Monk
Fragment of a French Romance
Romanz, Poems in, (the Romance Tongue, perhaps of the Trouveres or Trobadours, favourite Poets of the time)
Roper, William, his Life of Sir Thomas More
Rosses, Pedigree of
Ruthven, Patrick, Letter to the Earl of Northumberland

SACKVILL, Sir Edward, Letters between him and Lord Bruce, and an Account of a Duel between them

Sandes, Archbishop, A brief Discourse concerning his Troubles and Deliverance
Sayings of the Philosophers
Scott, John; his Account of the University of Cambridge
Scott, Thomas, a Relation of his Murder, and two Funeral Elegies upon him
Selden, Mr. The Privileges of the Baronage of England
Sidney, Sir Philip, Letter of Advice to his Brother
His Arcadia
Smith, Richard, A Treatise on the Invention of Printing
Smith, William, Letter to Queen Elizabeth
Somers, Collection of Proverbs, Controversial Divinity, &c.
Somerset, Order relating to the Peerage of the Earl of Somerset
Tragical History of the Duke of Somerset
South, Robert, A Poem, called Musica Incantata
Spain, State of Spain
Spelman, Sir Henry, Letter to Captain North
Letter to Mr. Abraham Wheelock
Stapleton, Robert, Letter to Mr. Floyd
Star Chamber, Decrees, Trials, &c.
Storie, Dr. The Life and Death of Dr. Storie
Succession to the Crown, Defence of the House of Scotland against the Title of the House of Suffolk
Suffolk, Earl of, Letter to Sir Thomas Overbury
Accounts of James Earl of Suffolk
Surrey, Collections from the Public Records relating to this County

Tanner, Thomas, Letter to Bishop More
Tate, Francis, Of the Antiquity of Cities
Throkmorton, Sir Nicholas, Letter to Nicholas Strange
Tilston, Jo. Pedigree of Sir James Harrington
Tomkinson, P. A Description of Rome and of the Jesuits
Tyrrell, Sir Edward, Fine of a Baronetship

United Provinces, A Discovery of the Hollanders Trade of fishing

Valoy, Sir Robert, his Account of his Journey into England, and Imprisonment at Brussels
Voyage to Spain, and Travels through Spain to France

Waldenses, Collection of Original Papers relating to
Wallace, Adam, The Manner of his Accusation
Wardrobe Royal, An Account of the Queen's Gowns
Watts, Dr. Letter to Sir Henry Spelman
Waterhouse, Mr. Songs of two Parts in one, upon the plain Song of Miserere
Watson, Bishop of St. David's, Minutes of the Charge against him
Wentworth, Earl of Strafford, his Speech when he was created an Earl
Verses made before his Suffering
Westham, Customs of the Manor of Westham Burne
Westminster, Names of Scholars elected from Westminster-School to Christ Church and Trinity College
History and Antiquities of Westminster Abbey
Baker's Accounts
Register Book of the Burgesses and Assistants
Wisley, Geo. Letter from the Devil to the Pope
Williams, Bishop, Two Letters to Charles I.
Withrington, Sir Thomas, Speech to the King at Berwick
Wolsey, Cardinal, his Life, by Cavendish
Wotton, Sir Henry, Parallel between the Earl of Essex and Duke of Buckingham.

Yorke, A Book of the ancient Service within the Close of Yorke

APPENDIX

TO THE

ENGLISH MANUSCRIPTS.

AUDELEY, Law Readings

BALAAM's Ass, a Political Dialogue
Bartlet, Mr. Law Readings
Bates, Dr. his Receipts in Physic
Beaumont's Verses on Melancholy
Bell's Law Readings
Bell, Sir Robert, his Oration for Succession
Bendloes, Sergeant, his Reports
Bible, Wickliffe's Translation
Acts of the Apostles, 754. 3
Epistles, Acts, and Revelations, 1577
New Test. 1562. 1927. 2125
Bill, Dr. his Letter to Mr. Ascham
Blanchard's Law Proceedings
Bower, Tho. Law Readings
Buckingham, Duke of, sundry Verses and Papers relating to him
Burton, Drue, Collections out of Tacitus Lusitanus; of Ludovicus Mercatus, and Zaccheus

C. W. Sermons on the Divinity of Christ
Cacodæmon, or the Hobgoblin, an Inquiry into the Doctrine of Devils, maintained by modern Witchmongers

Calles', Robert, Readings on the Statute and Commission of Sewers
Minister's Plea for an Indictment for reading the Common Prayer
Acts and Charters of the Town and University
Carlisle, Christopher, a new Version of the Psalms
Carey, Sir George, Cases in Chancery
Carolus V. his Speech on his Resignation
Cazil, Heads of Sermons
Cheisnell, Mr. Law Readings
Cherhill, Court Rolls of the Manor of
Chancery, Rules, Orders, and Forms of Proceeding
Notes of Petition, with the *Answers* of the Lord-Keeper
Cheek, Sir John, Letter to Mr. Ascham
Chester, Precedences, Precedence of the Chief Justice
Particulars of the Grants by Queen Elizabeth to the Church
Chymistry, Collection of Chymical Operations
Church Discipline, Treatise on
Church-Minshull, the Myse of
Cistercian Order, Histor. Account of its Establishment by Rene Guibert
Claude, Mr. on the Composition of a Sermon
Cloud of Unknowing
Coasts of England, Remarks on their Bearings and Soundings
Coke, Sir Edward, Treatise on Bail and Mainprize
Cookery, Mr. Henry Harcourt, Receipts in Cookery
Ancient Book of
Courts of Law, a Treatise on
Crew, Lord Chief Justice, Notes of his Speech, when sworn Chief Justice
Crosset, John, Meditations for every Day in the Year
Crown Lands, Accounts of Receivers, Surveys, Rentals, Grants, Sales, Leases, &c.

Crown Law, Treatise on
Cunningham, Alexander, his Letter to his Nephew

Digest, alphabetical Digest of the Laws of England
Dinley, John, his Oration at the Funeral of Sir Albert Morton
Divinity Common Place Book
Doddridge, concerning Stability according to Law
Considerations of the Office and Duty of an Herald
Method of the Study and Practice of the Common Law
Exhortation to a Jury
Dorsetshire, Names of Sheriffs
Dudley, Law Readings
Duel, Proceedings between Donald Lord Rey and David Ramsey
Duppa, Dr. his Sermons
Durie, Compend. of his two Vol. of Pratiques

E. L. New Discovery of the Old World
E. W. Anti-Goliah, with MS. Notes
Earl Marshal's Court
On the Authority of the Court
Proceedings against Lynch and others
Their Petition to the House of Commons
Earl, Thomas, his Note Book
Eccles. Courts, Collection of Proceedings therein
Elton, Edward, Censure of his Book entitled, God's Holy Mind
Eglisham, George, his Forerunner of Revenge
Enfield Chace, Survey of
England and Sweden, Project for the Union of the Churches of
Enoutekis, a Description of the Parish of

Erasmus, Translation of his Discourse on God's Mercy, by Robert Warren
Everard, Dr. The Letter and the Life, or the Flesh and the Spirit
German Divinity, the Vision of
Ewens, Matth. Law Readings
Exchequer, short Compendium of the Court of

F B. his Book of Arithmetic
Farriery, Treatises on, in Old English
Fenlin, Dr. Sermons
Ferrers, Charles, Collection of Receipts of chemical Operations
Fishing, a delectable Discourse on
Fitzherbert, Abridgement of Reports, with Table
Fleetwood, Recorder, historical and legal Discourse upon a Case taken out of
Forest Laws
Charge to a Jury
Proceedings at a Justice Seat for the Forest of Deane
Charges, &c. in the Court of Waltham Forest
Fortification, Treatise on
Free Trade, a brief Discourse concerning
Fowick, Law Readings

Galen, some Treatises by
Gardiner, Samuel, Platform of Prayers
Gataker, Thomas, a Letter to a Friend concerning his spiritual State
Gilbert, Law Proceedings
Gilmour, Sir Andrew, Abridgement of Scots Acts of Parliament
Godfrie, his Reports
Goodladd, James, Exposition of the Romish Catechism
Grants

Graye, Mr. his Sermons
Gwyn, Edward, his Controversy with Samuel Philips concerning the ὁμοούσιος, and about St. Austin and St. Barnard
Gybbes, William, his Law Readings

H. C. An Inquiry, whether St. Peter was ever at Rome
Haddington, his Book of Practiques, alphabetically digested
Hampole, Ricardus, among various Treatises in Latin by him, there are some English Papers
Harcourt, Hen. his Receipts in Cookery
Hare, John, Collection of Decrees made in the Court of War
Harsenet, Dr. his Sermon on Universal Grace
Hastings, Thomas, Process against him in the Spiritual Court for Incontinency
Hawking
Hetler, his Reasons, why he should be restored to his Place among the Serjeants in Gray's Inn
Hellis, Henry, a Treatise on the Propagation of the Gout
Hobbart, Reports
Holland, Observations setting forth the Reason and Form, and by whom the Revolt of Holland was accomplished
Howard, Henry, his Account of the Abdication of Charles V.
Hoy, Thomas, on the manufacturing of Sal Ammoniac
Hudson's Bay Company, their Memorials, with the Answers of the French Company
Hull, Eleanor, Exposition on the Seven Penitential Psalms
Meditations on the Seven Days of the Week
Hutton, Archbishop of York, his Letter to Viscount Cranbourne

J. B. Bosworth Field, a Poem
J. R. The Spy, a Satire
Jackson, John, Collection of several Histories
Idle, Peter, his Instructions to his Son, in Verse

Jeffery, John, Letter to Bishop More
Jenkins, David, An Apology for the Army
Ireland, Collection of State Papers, relating to the Affairs of Ireland, from 1590 to 1604
Description of Ireland, by Sir Edward Waterhouse
Ironside, Ralph, That a Man may not marry his Wife's Sister
Junius, Francis, his Lectures upon the Prophet Jonah

Lane, Thomas, Letter to Mr. Ascham
Lightfoot, Dr. Journal of the Proceedings of the Assembly of Divines
Lilly, A perfect Survey of the English Tongue
L'isle, William, his Letter to Sir H. Spelman
Livingston, John, Notes of his Life, written by himself
London, Report of the Lord Mayor and Corporation, concerning the Customs of the City
Liberties, Franchises, and Customs, of the City
Luther, Martin, History of his Life
Lydgate, John, Poems
Chronicle of the Wars between the Grecians and Trojans
Lydgate, Thomas, Letter to Sir H. Spelman

Mandeville, Sir John, his Journey to the Holy Land
Manwaring, Sir Hen. A Discourse on the Pirates that infest the Seas, and how to suppress them
Marshal, Earl, the Rights and Privileges of his Office
Mary Queen of Scots, Extracts of Morgan's Letters to her
Account of what passed between the King and her at Glasgow
Charge exhibited against her by the Regent, for the Murder of her Husband
Proofs of the Intention of the Duke of Norfolke to marry her
Draft of her Will
Order of her Funeral

Mulcaster, Earl of, The Temple of Death

Nichols, Henry, Certain wonderful Works of God which happened to H. N. from his Youth
North, Lord, Some Notes of his Life, and occasional Discourses and Meditations

Overbury, Sir Thomas, Proceedings against Weston and others, for the Murder of Sir T. O.

Packington, Lady, Certificate that she was the Author of the Whole Duty of Man
Parkhurst, Bishop of Norwich, Collection of Letters written by and to him
Patrick, Bishop of Ely, Paraphrase of the Ninth Chapter of the Epistle to the Romans
Peyton, Sir John, First Part of his Observations during his Travels
Plowman, Pierce, his Visions
Powell, Thomas, the Breath of an unfeed Lawyer
Prideaux, Dr. Letters to Bishop More

Robert of Gloucester, Chronicle, and Continuation
Romances, The Romance of Jason
of King Arthur
of the Monk
Roper, William, Life of Sir Thomas More
Rymar, James, Hymns in Praise of the Virgin
Rynevile, Samuel, Sumuary Collection of true natural Magic

S. W. The Life of Faith in Death
Sandes, Archbishop, A brief Discourse concerning his Troubles and Deliverance
Scott, Mr. Vox Populi, or News from Spain

Scott, John, his Account of the University of Cambridge
Scott, Thomas, a Relation of his Murder, and two Funeral Elegies upon him
Sidney, Sir Philip, Letter of Advice to his Brother
His Arcadia
Shrewsbury, Law and Customs of the Town, with a Catalogue of the Bailiffs
Smith, Richard, A Treatise on the Invention of Printing
Somerset, Tragical History of the Duke of Somerset

Tomkinson, A Description of Rome and of the Jesuits

Valoy, Sir Robert, his Account of his Journey into England, and Imprisonment at Brussels

Wheelock, Abraham, his Correspondence with Sir Henry Spelman and Mr. Thomas Adams
Wilsley, Geo. Letter from the Devil to the Pope
Wolsey, Cardinal, his Life, by Cavendish
Wickliff, Translation of the Bible
of the New Testament
An Exposition of the Epistles and Gospels for Sundays
On having the Scriptures in the Vulgar Tongue

N. B. There is a more beautiful copy of Wickliffe's Translation of the whole Bible, and another of the New Testament, in Emmanuel College Library, as noticed in the proper place. There is also an entire version of the O. and N. Test. and of the four Gospels, by Wickliffe, with most of his writings, in MS. in Abp. Parker's Libr. Ben. Col.—There is no list of the Eng. MSS. of the Public Library in Catal. MSS. Angl. & Hib.—A few of the above pieces are now in print.

Oriental Manuscripts

IN THE

PUBLIC LIBRARY.

CATALOGUS Librorum Orient. MSS. Nummorum aliorum, quibus Academiæ Cantabr. Bibliothecam locupletavit Rev. Vir Georgius Lewis Archideaconus Medensis 1727.

1. Rauzat Essafa: i. e. Hortus Claritatis; Historia Universalis a Mahomed Ben Khaswand Shah Persice scripta, septem tomis; quorum tres primi, hoc volumine contenti, et characetere qui Nask dicitur, conscripti, res gestas narrant a Mundi Creatione ad Tempora Chalifæ Elmonstansor Billa Abu-Giafar Ben Mansoor Estahir. Fol. Chart.

2. Dictionarii Persici (Berhân Kataah dicitur) Pars Prima.

3. Dictionarii Pars Secunda.

4. Historiæ, Rauzat Essafa dictæ, Tom. 4.

5. Rauzat Essafa dicta, Tom. 5.

6. Rauzat Essafa dicta, Tom. 6.

7. Habeed Essayar, sive Historia duodecim primorum Islamismi Pontificum Sectæ Persicæ.

8. Tooteh Nama: i. e. Psittaci Historia.

9. Berhan Khataah: i. e. Argumentum decisivum, Dictionarium Persicum absolutissimum.

10. Ganz ul Lughat: i. e. Thesaurus Verborum, sive Lexicon Arabico-Persicum per modos Infinitivos (Arabicas Sc. Radices) digestum.

11. Lexicon Mullæ Giamal Eddeen Hossein Argiu, e quadraginta quatuor Furhang, seu Dictionariis, compositum.

12. Magiumah Ulpharsee Serwari: i. e. Dictionarium Persicum ad intelligendos Poetas præsertim compositum.

13. Ganz ul Lughat: i. e. Thesaurus Verborum, Lexicon, sc. Arabico-Persicum.

14. *a*. Tage Ulmussadir: i. e. Primitivorum Corona.

14. *b*. Furhang e Pharsee; hoc est, Dictionarium Arabico-Persicum.

15. Historia Akbar; Tertii e stirpe Mogulorum Imperatoris in Hindostan.

16. Anwar e Sohelee: i. e. Canopi Stellæ *Lumina*; ita ab Arabicus Persisque dictus.

17. Idem iterum.

18. Historiæ Regum Dekhan, sive Regionum Indiæ Meridionalium.

19. *a*. Mathnovee Mullaie Roum: i. e. Carmina Eruditi Græci; poetæ scilicet Persice docti, natione vero Græci.

19. *b*. Aalam Arai: i. e. Ornamentum Mundi; Historia Regum Persarum.

20. *a*. Aalam Arai: Tom. 2.

20. *b*. Poema Persicum de Amoribus Josephi et Zulichæ.

21. Insshai: i. e. Liber de Conscribendis Epistolis.

22. Boostan: i. e. Hortus; Liber Poematum Persicorum de Moribus et Virtutibus Politicis.

23. Timur Namur: i. e. Liber de Vita Timuri, seu Tamerlani, versibus Persicis conscriptus.

24. Codex Al-khorani insignis, Arabice; interjecta Verborum Interpretatione Persice, literis rubris.

25. Nazumee, Carmen Persicum de Amoribus Chorron et Shereen.

26. Dewan e Saib: i. e. Opera Saib, poetæ sc. Persici præstantissimi.

27. Dewan e Hafiz: i. e. Opera præstantissimi poetæ Hafiz.

28. Inshai Abul-fazel: i. e. Formulare de Conscribendis Epistolis.

29. Goolistan: i. e. Floretum, sive Rosarium, auctore Sheic Saadi, eximio inter Persas poeta, et Philosopho.

30. Tractatus de Rythmis Persicis et Versuum Scansione.

31. Poemata quædam Sheich Saadi.

32. Tareek Vazirat: i. e. Historia et Elogia quorundam Viziriorum.

33. Ousaph Nama Aureng-Zeb: i. e. Liber de Laudibus Imperatoris Aureng-Zeb.

34. In hoc Volumine continetur Liber Abul Fazel de Conscribendis Epistolis, una cum Jesoophi Libro, De Arte Medica et Medicamentorum Compositione, atque de Secretis septem Chemicorum.

35. Diwan e Hafez: i. e. Opera poetæ Hafez.

36. Diwan e Rehai: i. e. Opera Rehai poetæ Persici.

37. Diwan e Akberee: i. e. Opera Akberee poetæ Persici.

38. Carmina poetæ Abu Turah Beg. Quædam etiam poetæ Giami de Rebus Divinis et Mysticis, Persice, Codex scriptus.

39. Khiah Seiph almulk: i. e. Regni Gladii Historia, Principis sc. cujusdam Historia, qui Regni Gladius appellatus est, Poema Indicâ Linguâ scriptum.

40. Khaifah Ambeia: i. e. Prosodia Persica.

41. Taaveezat: i. e. Incantationum Liber.

42. Amad Nama: i. e. Modus Conjugandi Verbum Amad. In hoc etiam Libro Verba Persica et Indica secundum Modos et Tempora, inter se comparantur.

43. Naseeb Sibian: i. e. Pensum Puerorum, in quo Vocabula Alkhorami Arabica in usum puerorum Persice explanantur.

44. Vita et Elogia Prophetæ Mahomedis: Codex Arabicus.

45. Codex Al-Khorani præclarissimus.

46. Quatuor Evangelia Persice, scriptus Codex.

Chatimah Rauzat Essafa: i. e. Coronis Libri, Rauzat Essafa dicti. Quatuor Evangelia, Persice. A. Dewan e Saib: i. e. Opera Saib poetæ, recentiore manu descripta. Vide Num. 26. B. Kaleel e Damna, Pars 1. ex Versione quæ habetur supra. C. Kaleel e Damna, Pars 2. ex Version. quæ supra. D. Anwar e Sohelee, sive Kaleel e Damna, ex Versione in Lit. E. E. Anwar e Sohelee, e Lingua Indica in Persicam Versio. F. Libri Vet. Testamenti, Job, Proverbia, Ecclesiast. Cant. Canticorum, Isaiah, &c. Arabice. H. In hoc Volumine continentur *Tres Libri.* 1. Insha Iesooffee. 2. Mifta Goolistan. 3. *Jeftah* Sheraar Imthalah appellatur. I. Dewan e Hafez Sherazi; Opera sublimis illius et mystici poetæ Hafiz Shiraziensis. v. Num. 28. et 36. K. Quatuor Evangelia Persice. L. Naseeb Sibian: i. e. Pensum Puerorum; in quo Puerorum gratiâ Al-Khorani Vocabula Arabica Persice explanantur. M. Huic Volumini hæc insunt; inter alios 1. Mosarrah ul Khaloobi: i. e. Exhilerans Corda. 2. Præfat. et Caput primum libri, qui Gîamat abassie appellatur. 3. Historia principis Scaph Ulmulk. Liber lingua Indica in Persicum conversus, et in quatuor partes distributus: . . . . . .

N, O, P, Q, R. Historia Universalis, quæ Rauzat Essafa vocatur, Tom. 1, 2, 3, 4, 5, 6. S. Dewan Aaraphie, Opera poetæ Aaraphie, Persice. T. Dewan e Hafez: i. e. Opera Hafez, vid. Lit. I. et Num. 28. 36. U. Pand. e Attar, hoc est, Monita Doctoris Attar, quæ Juventum gratiâ carmine Persico conscripsit, ad eos Virtutis præceptis imbuendos. W. Liber Precum Communium; seu Liturgia Anglicana, Arabice. X. Lexicon, Persico-Latinum, ad finem literæ A. perductum.—The medals, pieces of money, letters, &c. are not inserted here.

Dr. Buchanan's Eastern MSS. are classed generally thus:

I. Hebrew MSS.—Pentateuch,—Esther,—Gad,—Ahasuerus,—New Testament,—Acts and Epistles,—Rabbinical Books.

II. Syriac MSS.—1. Old and New Testament,—2. Pentateuch,—3. Historical Books,—4. Prophetical Books,—5. Apocryphal Books,—6. Gospels,—7. Acts and Epistles,—8. Psalters,—9. Liturgies,—10. Miscellaneous.

III. Æthiopic MSS.—St. John's Gospel.

IV. Chinese Persian MSS.—Official Letters.

V. English Letter to Sir W. Jones; from Ezra Styles, President of Yale College, in America. Dated Jan. 18, 1794. Received by the Society, after the death of Sir Wil. Jones. Fol. 148 pages. Bound in Russia. In the title-page is written, *not published*. The subject is the Indian Chronology and Mythology.

More particularly, Dr. Buchanan's MSS. are, as follows, 1809:

1. Pentateuchus Heb. Class Oo. i. 3.—This MS. on a roll of goat-skin, dyed red, was found in the Record Chest of the Black Jews, in the interior of Malayala, in India, in the year 1806; of which a more particular account will be found in the following pages—587, 588, 589, 590.

2. Megillath Esther. Class Oo. i. 4. A fine MS. Roll of the Book of Esther, brought also from one of the Synagogues of the Black Jews in India. It is a vellum roll, covered on the back with silk, and mounted with a roller. It has the same peculiarities as the former, but has not been collated (1809).

3. Megillath Esther. Oo. i. 5. A small parchment roll, containing 26 columns in squares of a hand's breadth, modern, yet written without points. It however retains the Masoretical distinctions which are in the above-noticed roll.

Words of Gad the Seer. Cl. Oo. i. 20., or Book of Gad the Prophet, a paper Book in 4to. and is only a transcript,

written probably for private use. This also was obtained from the Black Jews in India, written in 1771.

4. Megillah Ahasuerosh. Oo. i. 20., or the Roll of Ahasuerus, and is found to be no other than the Book of Esther; or that part at least inserted in the Apocrypha. In the English version this book is prefaced in the following manner: This is the book of Esther, at least that part of the book, that is inserted in the Apocrypha. The rest of the chapters of the Book of Esther which are found neither in the Hebrew nor in the Chaldee.

5. Novum Testamentum Hebræum. Oo. i. 22. A paper Book, small 4to. written in the Rabbinical character. It contains all the Books excepting the Revelations. It is a version in the Chaldaico-Hebrew dialect, and said to have been made by some Chaldaic Jew, to whom the Syriac text of the N. Test. was known, but neither the person, place, nor time, is expressed in this copy. The much-disputed text of 1 John, v. 7, is found in it.

Acta Apostolorum, or Epist. Heb. Oo. i. 16. A large 4to. Vol. written in the square Hebrew character, containing the Acts, Epistle to the Romans, 1 and 2 Corinthians, Galatians, and Ephesians; also the Revelation of St. John, in the Rabbinical character.

Seder Tephilloth, Ordo Precum, or Hebrew Liturgy. It is imperfect; obtained from the Black Jews in India. Class, No. 42.

Commentarius in Pentateuchum Heb. No. 46. A small folio, imperfect (about 600 pages), and without a title; not known whether it is extant in print.

Commentarius in Pentateuchum Heb. No. 19. A 4to. Book, containing about 600 pages, supposed to be not in print.

Commentarius in Pentateuchum Heb. No. 34. A 4to. Book, imperfect, in the Rabbinical character.

Parashath Beresheith, No. 35. A Commentary on the Book of Genesis, small 4to. perfect, no date, in Rabbinical character.

Orach Haiim; Semita Vitæ. A Treatise of Practical Rules, according to the Jewish Institution, 4to. Rabbinical character. N. 30.

Halchoth Haiim; Regulæ Vitæ. A Treatise of Rules according to the Jewish Institution, 4to. Imperfect. N. 33.

Likute Joseph; Collectanea Josephi, or Selections from the Talmud.

Joreh Daah, &c. N. 38. Containing directions about slaying and slaughtering of Beasts.

Sepher Machalmoth; Relatio Somniorum. This is a book bound up with N. 20, and is a Hebrew Translation, made by a learned Jew in India, of a Dream written by a learned Christian in London, containing a prophecy of the events to happen to Europe, which he characterizes by the name Babylon.

Liber Cabalisticus, tractans de Nominibus Divinis; written beautifully in the Rabbinical character; an Indian copy. N. 24.

Sepher Ginuath Egoz; Liber Cabalisticus: treating on the divine names. By Rabbi Joseph Gecalilia. Beautifully written in the Epistolary Rabbinical character.

Historia Judaica. Written in Rabbinical Hebrew; but it is not clear to what part of the Jewish history it relates. N. 37. In the Epistolary Rabbinical character.

N. B. Many Hebrew printed books were given by Dr. Buchanan.

BUCHANAN EASTERN MSS.

The above list having been given in the 36th number of the Classical Journal, it has been here reprinted, with corrections and additions. Before I proceed to Dr. B.'s other Eastern MSS. I beg leave to make a short pause, in order to

give a more particular description of a Hebrew Manuscript of Dr. Buchanan's already noticed, and barely noticed: but it is one so curious in itself, so valuable for its beautiful characters and for its supposed antiquity, and of such importance to biblical critics, that we shall transgress our usual rule, which is, in general, to give little more than the title of the manuscript. The title of the manuscript now alluded to, as already given, is, an *Indian* copy of the Hebrew Pentateuch *.

It is thus entitled, in a prefixed label: "This manuscript, on a roll of goatskin dyed red, was found in the record chest of one of the Black Jews, in the interior of *Malayala* in India, by the Rev. Claudius Buchanan, in the year 1806." It does not appear, however, that the Jews, from whom it was obtained, could give any satisfactory account of it: whence, therefore, it was actually derived, and its particular age (for many reasons) cannot be positively ascertained, and must be left, in a great measure, to inferences, probabilities and conjecture. We are not, therefore, to be surprised, that the gentleman, who made the collation of this most singular manuscript with Vander Hooght's and Athias's Bibles, whatever opinion he might entertain of the original MS., from which it might be derived, is cautious of giving an opinion of the age of this copy.

On perusing the most ancient Greek manuscripts known (the Codex Bezæ, for example, in the University Library of Cambridge, the Alexandrine in the British Museum, and the Acta Apostolorum, in the Bodleian †) and the most ancient Hebrew manuscripts, in the Oxford and Cambridge Libraries, and comparing them together, their relative antiquity may, in some measure, be judged of, by the state of the vellum and of the letters with respect to each other,

* *Collation of an Indian Copy of the Heb. Pent. by T. Yeates.*

† I have given an account of these in different numbers of the Athenæum.

and that the former must be more ancient than the latter by several centuries. But there is less difficulty in fixing the age of Greek manuscripts than of Hebrew, for the following reasons. It is known, by inscriptions *, that the *most* ancient Greek manuscripts must have been in the square character (or Uncial, as they are called) and the progress may be gradually traced from the Uncial to that of the smaller size. Add to this, that a few years later there are Greek manuscripts with a specific date, and by these the ages of others may be pretty correctly ascertained. So that though the very best critics may, perhaps, be mistaken by a century or two, in giving their opinion as to the *precise* age of the *most ancient* Greek manuscripts (and they *have* given different opinions), yet, in following the rules laid down by Montfaucon, they would probably not go very wide from the truth.—Vid. Montfaucon's *Palæographia Græca.*

But the age of Hebrew manuscripts cannot be ascertained by these rules. They are written in a *large unabbreviated* character, (I am not speaking of the Rabbinical Hebrew) and they are all, (I am speaking of the most *ancient* manuscripts) without dates. Dr. Kennicott supposes, that the oldest Hebrew manuscript is not beyond the age of 800 or 900 years. See his *Dissert. Generalis.*

All that can be ascertained of Hebrew manuscripts, is, Whether they are written in a character more or less square, (according to the *Spanish, Italian,* or *German* mode of writing)†; Whether they have, or not, the points and accents, &c. and the marginal notes called keri; Whether or not they are written in columns, with all the spaces and other peculiarities of the most authorized copies; and whether the skins are ornamented, or not, with the *coronæ* at the top of some of the letters;—and in short, Whether

* Antiq. Asiaticæ Christianam Æram Antecedentes, &c. per Edmundum Chishull.

† John Bern. ac Rossi de Hebr. Typ. orig. ac Primitiis, &c.

they have, or not, the undoubted evidence of their being derived from ancient *synagogue copies:* for this is the criterion by which the Jews are directed in estimating the value of the Hebrew manuscripts of the Old Testament. But with respect to the precise antiquity of particular copies, they do not seem to possess any precise rules by which they can form their judgment: and to what they call *private copies*, being in the quadrated form, they pay little regard.

As to the present Hebrew roll, it unquestionably possesses all those marks of peculiarity, correctness, and surprising minuteness, which, in the estimation of a Jew, constitutes the prime excellence, and stamps *the value of a synagogue copy*. It has some marks of antiquity; but there is room for doubting, whether it is so old as some have been inclined to believe it; I mean more particularly the late collator. It is, however, accompanied with this additional circumstance, which will give it consequence among many persons. Dr. Kennicott observes, "It is *certain*, that almost all the Western Hebrew manuscripts of the Old Testament, *which are known at present*, were written between the years 1000 and 1457; which makes it probable, that all the manuscripts written before the periods 700 or 800, were destroyed by some decree of the Jewish Senate, on account of their many differences, then *declared* genuine."

This latter opinion seems very improbable, and is denied by many of the more learned Jews; though I shall not examine it now, nor some others delivered by Dr. Kennicott. But as this learned writer, and many others, have expressed an earnest wish, (thinking it of consequence to compare the *Oriental* with the western copies) that copies of the Hebrew Scriptures among the Indian and Chinese Jews could be procured, (who had carried on no intercourse with the western) this being the case, the present *supposed Oriental* manuscript, it is presumed, cannot at least fail of being considered a treasure by *them*—if, at least, they consider it

as that *great desideratum;* and if, according to the present collator, it differs in nothing material from the western copies, whether Jewish or Christian.

But our present business is not so much with criticism as with statement: we shall, therefore, hold to our readers the balance, as it were, of opinions, by presenting them with a copy of a note, from the Rev. Dr. Marsh, Bishop of Peterborough, Lady Margaret's Professor, to the Collator, Mr. Yeates*.

"A manuscript roll of the Hebrew Pentateuch, apparently of some antiquity, and found among the black Jews in the interior of India, must be regarded at least as a literary curiosity, deserving the attention of the learned in general. And, as this manuscript appears, on comparison, to have no important deviation from our common printed Hebrew text, it is of still greater value to a theologian, as it affords an additional argument for the integrity of the Pentateuch. The Hebrew manuscripts of the Pentateuch preserved in the West of Europe, though equally derived, with the Hebrew manuscripts preserved in India, from autographs of Moses, must have descended from it through very different channels; and, therefore, the close agreement of the former with the latter is a proof, that they have preserved the original text in great purity, since the circumstances, under which the manuscript was found, forbid the explanation of that agreement on the principle of any *immediate* connexion. It is true, that as this manuscript (or rather the three fragments of which this manuscript is composed) was *probably* written much later than the time when the Masoretic text was established by the learned Jews of Tiberias, it *may* have been wholly derived from that Masoretic text; and in this case it would only afford an argument, that the Maso-

* Collation of an Indian Copy of the Pentateuch, &c. by Thomas Yeates. Cambridge, 1812.

retic text had preserved its integrity, and would not affect the question, whether the Masoretic text *itself* were an accurate representative of the Mosaic autograph.

"But, on the other hand, as the peculiar circumstances, under which the manuscript was found, render it at least *possible*, that the influence of the Masora, which was extended to the African and European manuscripts by the settlement of the most distinguished Oriental Jews in Africa and Spain, never reached the mountainous districts in the South of India; as it is *possible* that the manuscript in question was derived from manuscripts *anterior* to the establishment of the Masora; manuscripts even, which *might* have regulated the learned Jews of Tiberias in the formation of their own text; the manuscript appears, for these reasons, to merit particular attention. A description and collation of it, therefore, must certainly interest every Biblical critic.

HERBERT MARSH."

Camb. Dec. 10, 1810.

Thus far on this Indian manuscript of the Hebrew Pentateuch.

We proceed to the Syriac manuscripts, given by Dr. Buchanan, Class Oo.

1. A Bible that contains the Old and New Testaments, together with the Apocrypha, and fragments of the books of Clemens. It is in what is called the Estrangelo (that is, a text written in cap. letters) character, in 2 vols. fol. No. 1, 2. Supposed to be the second copy of the ancient Syriac known in Europe. The first is just noticed by Montfaucon: he saw it in the Ambrosian Library at Milan. *Diarium Italic.* ch. 2, p. 11. Waltoni Prolegomena; xiii. §. xvii. This MS. is, therefore, deemed very curious and valuable. It was found in one of the churches of the Syrian Christians. The Epistles of Clemens were divided into eight Books, though the sixth contained only Fragments:

the seventh is lost, as also is Book eighth. It is said to have been given by the patriarch of Antioch, of a former period, to an Indian church. A more critical account of this is given than of any other. There are drawings prefixed to the books: to the books of Clemens is a drawing, wherein is written, St. Clemens, disciple of St. Peter, with a book in his hand.

2. The Pentateuch; folio, in a large Estrangelo character. No. 8.

3. The Pentateuch; a Nestorian copy, in small quarto. No. 26.

4. The Pentateuch; a Nestorian copy, in small quarto. No. 27.

5. Lib. Hist. Vet. Test. No. 10. Nestorian copy; containing Judges, Samuel, Kings, 1, 2. Proverbs, The Wisdom of Jesus, the Son of Sirach, or Ecclesiasticus, Book of Ecclesiastes, Ruth, Song of Solomon, and Job, in small quarto. No. 10.

6. Lib. Hist. Vet. Test. Esdras, second and third of Maccabees, Esther, Chronicles, Ezra, and Nehemiah, large quarto. No. 14. Written 1734.

7. The major and minor Prophets, in the Estrangelo hand, in folio. No. 7.

8. The major and minor Prophets, The Story of Susanna; a Nestorian copy, in quarto. No. 18.

9. Liber Sapientiæ, or Book of the Wisdom of Solomon, 8vo. No. 39; and in the same volume, Liber Sapientiæ, Filii Sirach, or Ecclesiasticus.

10. The Four Gospels, with the Acts of the Apostles, in quarto. No. 25.

11. Acta Apostolorum, Catholic Epistles of James, Peter, and John, in quarto. No. 31; and also Paul's Epistles.

12. Acta Apostolorum et Apocalypsis. No. 21.

13. Lectiones ex Novo Testamento. No. 17.

14. Psalterium. No. 22.

15. Liturgia, fol. No. 9.
16. Liturgia. No. 36.
17. Liturgia. No. 43.
18. Liturgia. No. 44.
19. Canona, or Ritual for the Altar. No. 15.
20. Linea Margaritarum. No. 28.

ÆTHIOPIC MSS. BUCHANAN.

Evangelium S. Johannis. No. 41. *Duodecimo.* In a printed note on the cover we read as follows: "This MS. of the Gospel of St. John in the Æthiopic language was found in India by the Rev. Claudius Buchanan, 1807. It was lying in the old library of an Armenian merchant, whose ancestors had lived in Hindostan for upwards of three centuries, and who had transactions with the Christians in Africa." This copy is perfect. Mr. Ley, the present learned Arabic professor, is collating it.

INSCRIPTIONS ON COPPER-PLATES.

Fac-similes of Chinese tablets, and Jewish tablets, eleven in number; and in the same cabinet where the plates are deposited are five Chinese printing blocks, containing, as it is said, a specimen of a Chinese Translation of the New Testament.

IMPERIAL PERSIAN LETTER.

This letter has not yet been translated; but there is a line of explanation at the bottom with Dr. Buchanan's name;—Solyman Aga, envoy from his Highness the Bashaw of Bagdad, to his Excellency the most Noble the Marquis of

Wellesley, Governor-General of India, &c. Dated Calcutta, 20th Sept. 1804.

The reader is desired to take notice, that to the end of the account of Dr. Buchanan's Eastern MSS. is to be added another *Historia Judaica*, which contains the History of the Jews of Malabar, and the Origin of the black and white Jews in India, in 24 chapters: thin octavo, in the Rabbinical character. No. 23.

Add also, Sepher Saphirim, or Origin of the Jews of Malabar, being a Hebrew Translation of the Historical Collections, written in the Portuguese Language, by Order of Abraham Mohens, Governor of Cochin. No. 47.

Sepher Saphirim, being a correct Translation of the former.

Kedosheim Malabar, or New Account of the Origin of the Jews of Malabar from the Time of the Destruction of the Temple of Jerusalem.

Chalkoth, N. 45, 4to. imperfect; written in the Rabbinical character.

Anecdotes of Malabar History: translated from the Hebrew, by Mr. Crool, of Cambridge.

P. S. Since communicating the above article to the *Classical Journal*, I have corrected some errors which occur in that communication, as well as in the other articles, which relate to the Cambridge MSS. and having had the opportunity of a further perusal and consideration of the Goatskin Pentateuch, I beg leave to subjoin a word or two more concerning its antiquity.

On conversing with persons employed in manufacturing goatskins, (the profession is called *Spanish leather-dressing*) I find the testimony to the goatskins' receiving more deeply the impression of ink, and of retaining its brightness longer, confirmed. This argument, therefore, may be allowed to retain its proportionate weight in favour of a certain degree of antiquity in this Pentateuch. Still it would be

hazardous to carry it too far. The oldest MSS. that are known to us (the Beza MS. for example, to mention no others) are either much mutilated, obliterated, or repaired, at least at the beginning, and from an obvious cause. This Pentateuch is clear and complete at the beginning; and its uniform clearness tells more against the extraordinary antiquity of it, than, at least, for it. The Jews have been accustomed to write their law, and other parts of their sacred writings, on rolls from the earliest, even down to modern, times: and there is nothing in the skin itself that should render it more peculiar to one place than another. They might write on a goatskin in Italy, or Germany, or in Spain, or Africa, (for the purpose of duration, or of imitating their ancestors) as well as in any part of the East. The Goatskin Roll in the British Museum was written in Africa; and it is modern.

While reperusing this Goatskin roll, happening to meet with Mr. Professor Ley, he suggested, that the shape of the letter was perfectly Italian. The Italian Hebrew character was a sort of mixed character; the German inclined; the Spanish was square*: the present type is that of the large quadrated form. I have seen Hebrew MSS. acknowledged for Italian, in the handwriting of the scribe prefixed: the characters were much smaller, but resembled those of this Pentateuch; and its resemblance to the Italian, or, perhaps, Spanish character, is a presumption, I think, that it was written either in Spain or Italy, and *not* in the East: and, if so, the argument about eastern copies of the Pentateuch must, notwithstanding this goatskin copy, stand where it did.

That a Pentateuch should be written in Italy, or Spain, or Africa, and found among the Black Jews in India, cannot be considered any thing extraordinary. The roving disposition of the Jews, even for commercial purposes only, is pro-

* Vide Rossi. de Vet. Test. var. Lect. p. 1, c. xiv.

verbial, from the earliest even to the present time. I have been in company, in London, and very lately, with an eastern Jew, who came from a place near Genesareth, a few miles from that where Christ was born. He was not 30 years of age, and had been in almost every principal town in Europe: and there would be nothing surprising in a Jew's conveying a Pentateuch, or twenty Pentateuches, from Italy or Spain to India.

We have seen that the testimony of the present learned Lady Margaret's Professor, as to the character of this Pentateuch, reaches a bare possibility, and, from his acquaintance with ancient MSS., very cautiously expressed. The probabilities appear to be the other way. On the general expulsion of the Jews from Spain, under Philip, many went to the East—or, finally, if an Hindostan merchant, having transactions in Africa, could obtain thereby an Æthiopic Evan. Johan. (see p. 595) why might not a Jew, a Goatskin Pentateuch, through the same means?

GREEK MANUSCRIPTS

IN THE

PUBLIC LIBRARY OF THE UNIVERSITY OF CAMBRIDGE.

*** *This list is selected from the* Nasmyth *Catalogue. But, N. B. the Greek MSS. and Eastern are here intermixed. The Eastern MSS. are left undescribed; and will, I conclude, of course include the Eastern MSS. given by the Duke of Buckingham, which I have noticed elsewhere, and of which I am not aware there is a distinct Catalogue. The asterisk* intimates, that the article is entirely manuscript, and Greek; the Greek letter τ, that the book is a printed one, but with MS. notes.*

VETUS et Novum Testamentum τ. 2622. cum notis Manuscriptis.

Liber Job ϒ. 816. cum variantibus Lectionibus Manuscriptis.

Novum Testamentum ϒ. 2537, 2538. cum notis Manuscriptis Johannis Taylori.

Novum Testamentum * 2423.

Quatuor Evangelia et Actus Apostolorum * 553. 1673. * 2061. * 2144. * 2512.

Quatuor Evangelia et Actus Apostolorum * 2517. Codex quondam Theodori Bezæ.

Alexander Lycopolita; Tractatus contra Manichæos cum variantibus Lect. * 2183. 8. Exhortatio Abbatis Antonii 2570. 13. Apollonarii Excerpta 1380. 39.

Actus Apostolorum et Epistolæ Catholicæ Paulinæ 2066.

Epistolæ Paulinæ cum scholus 1152.

Paralipomenωn Lib. 11. * 1146. 1. 2.

Dd. viii. 23. Codex est Græcus in 4to. grandiori septingenorum et amplius annorum in membranis nitide scriptus, in usum Magnæ Ecclesiæ Constantinopolitanæ, in quo continetur *Ευαγγελιον*, sive, ut aliis magis placet, *Ευαγγελιστηριον*.

Dd. viii. 49. Codex est Græcus Membranaceus in 4to. priori et mole et nitore inferior, ejusdem tamen fere ætatis, in quo similiter et continetur *Ευαγγελιον* sive *Ευαγγελιστηριον*.

Ll. iv. 12. Codex est Græcus Chartaceus, varias dissertationes continens de Historia, Medicina, et Agricultura.

Notæ Manuscriptæ in Dionysium ϒ. 2679. In Pollucis Onomasticon ϒ. 2641. In Canonas Apostolicos ϒ. 2659. In Plutarch: ϒ. 2676—2681. In Libros Juris Orientalis ϒ. 2682. In Epictetum 2692. In Terentium 2701. Dialecti Græci 694. 32, 33. Etymologicum Græcum * 2051.

Æschylus: Prometheus Vinctus, Septem contra Thebas et Persæ * 2534. Tragœdiæ ex Edit. Stanleii cum commentariis amplissimis doctissimi viri ϒ. 1456. 1463. Other printed editions of Æschylus, with MS. notes.

Æsopi Fab. 1902. Democratis Excerpta 2183. 13.

Apollodori Excerpta 2183. 43.

Apthonius. Exercitationes 1381. 11.

Archimedes de Mensurat. Circuli 1447. 5.

Dd. viii. 51. Codicellus Chartaceus in Folio, Callimachi Fragmenta, Viro doctissimo, Thoma Stanleio, Armigero, collecta et digesta, una cum notis eruditis in eundem poetam: liberaliter communicavit Edwardus Sherburn, equés auratus, Kal. Apr. MDCXCVIII.

Dd. ix. 13. Codex est Orientalis.

Dd. ix. 69. Codex est Græcus Chartaceus, in quo continentur Quatuor Evangelia. Præmittuntur Canones Eusebiani Scripti A. M. 6805, qui juxta computationem Ecclesiæ Anglicanæ respondet Anno Redemptionis humanæ 1297: secundum vero computationem Ecclesiæ Constantinopolitanæ A. 1313.

Dd. x. 46. Codex est Orientalis.

Dd. x. 5. 54. Codex est Græcus in vetusta manu scriptus membranaceus in 4to. sed ακεφαλος και μπουρος.

Aristides in Eteonem Sermo Funebris. 678. 50. de Musica 2032. Scholia, also, and Commentaries on Aristides.

Aristophanis Plutus et Hephetæ cum Schol. &c. 2520. —other plays, also.

Aristotelis Excerpta. 191. 3. 4. 7. 9. 10. 17.

Rhetorica 1282. Ethica et Economica 1864. Scholia et Metaphysica 2035. 1. 2.

Dd. 56. Codex est Græcus in 8vo. *Τα Ερωτηματα Μανυηλ Μοσχοπουλου.*

Dd. xi. 54. Codex est Græcus Bombycinus, in 4to. minori, in quo continentur manibus diversis scripta, Analecta ex Luciano, Libanio, aliisque auctoribus.

Dd. xi. 65. Codex Chartaceus, in 4to. Compendium Græcæ Grammaticæ a Thoma Stanleio.

Dd. xi. 70. Codex est Græcus, in 4to. partim in Membranis, partim in Charta scriptus: continet varias observationes de Dramate, Metris, et Dialectis, Aristophanis, Sophoclis, et Euripidis, cum Hephæstione.

Dd. xi. 90. Codex est Græcus vetusta manu scriptus,

forma fere quadrata, initio et fine mutilus, in quo continentur Actus Apostolorum, et Epistolæ Catholicæ et Paulinæ.

Dd. i. 2. Codex est Orientalis.

Dd. i. 23. Codex est Orientalis.

Dd. i. 24. Apocalypsis, sive Revelatio Sancti Johannis, clausulis Græce et Anglice factis data, quæ ex Græco Anglice sit perlegenda, vel ex Anglico Græce, una cum notis marginalibus Græce, locutionum formas a LXX. interpretatione derivatas esse demonstrantibus.

Aristoxenus: Harmonica. 2052. 1.

Athanasius; Contra Apollonarium 54. 34.—*various other* pieces of Athanasius.

Athenæus de Machinis * 2183. 41.

Barnabas; Apostolus, 2183. 53. Epistola.

Basilius 191. 8.

Epistolæ 1381. 16.

Dd. ii. 22. Codex est Græcus Membranaceus, literis minutis et cursivis scriptus anno qui coincidit cum Anno Æræ vulgaris Christi 924.

Dd. ii. 47. Codices sunt Orientales.

Dd. ii. 51. Codex est Græcus in 4to. A. Redemptionis humanæ sex centesimo super millesimum in Urbe Constantin.

Dd. 52—54. Codices sunt Orientales.

Dd. iii. 3—8. Codices sunt Hebraici.

Dd. iii. 22, 23. Codices sunt Orientales.

Dd. iii. 50. Codex est Græcus in 4to Membranaceus, manu vetusta scriptus, *ανεφαλος και μειουρος*, continens, 1. Johannis Climaci Scalam Paradisi. 2. Scolia ad eandem. 3. *Προς τον Ποιμενα*, sive ejusdem Librum ad eundem.

Basilii Patricii Naumachica. 2183. 49.

Dialecti Græci 694. 32, 33.

Dionysius Perigesis 336. 15. 37.

Dionysii Alexandrini. Epist. 336. 151. 1039. 17.

Dositheus, Excerpta e Glossario 2183. 44.

Dositheus Patriarcha Hierosolymatanus; Excerpta ex Operibus ejus 2182. 567.

Ephraim Syrus; Homiliæ, 2570.

Ephorus; Excerpta ex Historia ejus 2183. 89.

Dd. iii. 54. Codex est Orientalis.

Dd. iii 79—82. Codicelli sunt Orientales.

Dd. 86. Tract. Miscell. arte Bibliopegi non illigati, sed inter se conjuncti: multum habent Anglice scriptum, quædam (9, 10, 11,) Græce.

Dd. iv. 1—4. Codices sunt Orientales.

Dd. iv. 7—10. Codices sunt Orientales.

Dd. iv. 16. Codex est Græcus in 8vo. A. 1441. in Chartis scriptus: varias Aristotelis et aliorum Dissertationes continet.

Dd. 31, 32. Codices sunt Orientales.

Dd. 47—49. Codices sunt Orientales.

Hero; De Nominibus Geometriæ 173—other tracts by.

Herodotus; Histor. 2510.

Hesiodus; Op. & De. 2533. 3. Variantes Lectiones 2568. 1.

Josephus; duo Libri contra Appionem 2175. 1, 2.

Homerus. Scholia in Iliadem 694. 18, 19, 21.

De Homero 1381. 22.

Scholia in Odyssea 2303.

Chrysostomi Expositio in Psalmos 1199. 1203. 1773, and other tracts of his.

Dd. 47—49. Codices sunt Orientales.

Dd. v. 10, 11. Codex Orientalis.

Dd. v. 17. Codices Orientales.

Dd. v. 29. Codex est Græcus Chartaceus in 4to. continens Analecta ex variis Codicibus Manuscriptis, manu clarissimi viri Humph. Wanleii exarata.

Dd. v. 34—43. Codices sunt Orientales.

Dd. v. 48. Codices Orientales.

Dd. vi. 16. Codex Orientalis.

Dd. 18, 19. Duo Codices nitidissime in Chartis Scripti,

quibus continentur Analecta viri cujusdam eruditi e diversis Codicibus MSS.

Codices vi. 20—22.

Dd. vi. 24.
Dd. vi. 26.
Dd. vi. 64.
Dd. vi. 66.
Dd. vi. 91.
} Codices Orientales.

Dd. vi. 84. Codex est Græcus in duodec. manu neoterica in Chartis Scriptus.

Euripidis Epistolæ 191. 6.

Scholia in Euripidem 694. 3, 7.

Hecuba et Orestes cum Scholiis 2255.

Hecuba et Orestes 2530. 1. 3.

Hecuba et Orestes 2531.

Epictetus 1905. 1.

Etymologicum Græcum 2051.

Elementa Geometriæ 1354.

Euclides Euthumetricæ 173. 9. 4.

Optica et Catoptrica 1447. 8. 15. 17, 18. 2525.

Phavorinus 2183. 50.

Gabrias; Fabalæ 1905. 3.

Galen De Victu, & curationibus 1227. 6.

Gennadius; Epist. contra Simoniam 1039. 59.

Geoponica 173. 10.

Georgius Gemestius de Virtutibus 191. 1.

Gregorius Nazian; Epist. Canon. 1039, 40. Testamentum 2037. 14. Homliæ 2471. 1—19. Other pieces of his.

Gregorius Nyssenus Epist. Canon. ad Litorium 1039. 52. De Hominis opificio 2175. 13.

Harpocration. Lexicon; 238.

Hephæstion; Enchiridion 694. 34.

Herodotus; Historiæ cum notis MSS. Thomæ Gale.
Johannis Taylor.
Jos. Scaliger et Dan. Heinsii.

Herodotus: Historiæ cum notis MSS.
Emendationes in Herodotum.
Hesiodus, Opera et Dieg.
Variantes Lectiones.
Hesychius, Hierosolymitanus, Sententiæ ad Theodulum.
Adversaria Thomæ Stanleii in Hesychium.
Hierocles, collatus a Johanne Taylor cum MS.
Homerus: Ilias cum notis MSS. Johannes Taylor.
Odyssea cum notis MSS. ejusdem.
Analecta Johannis Taylor in Homerum.
Ilias et Odyssea cum notis MSS.

Josephus; Opera cum notis MSS.
Julius Pollux, Onomasticon, cum notis MSS. Isaaci Casavboni

Longinus de Sublimi, cum notulis MSS. Johannis Taylor.
Lycurgus; Oratio contra Leocratem, cum notis MSS. Johannis Taylor.
Lycophron; Alexandra cum notis MSS.
Lysias; Orationes cum notis MSS. Johannis Taylor.

Plato—Scholia Olympiodori in Alcibiadem.
Excerpta ex Protagora et Epistola. Anno 1441.

ON THE

CODEX BEZÆ,

IN THE PUBLIC LIBRARY OF THE UNIVERSITY OF CAMBRIDGE.

Communicated by me to the Athenæum, May 1808.

It is the intention of the writer of this paper, occasionally to communicate to the Athenæum brief accounts of some manuscripts in the public libraries of this kingdom. Those will be selected which, by some, are deemed the most curious and valuable: such are, the most ancient Greek manuscripts of some parts of the scriptures; the most ancient Hebrew manuscripts of the Old Testament; and the Latin manuscripts of that curious remnant of antiquity, the Athanasian Creed. The libraries will of course be indicated in which these MSS. are to be found.

I begin with *Theodori Bæzæ Codex*, or that most famous manuscript presented by Beza to the University of Cambridge. It will be better to preserve the title, Beza Codex, than use that of Cantabrigiensis, in order to keep the distinction clear between this codex and the other Codices Cantabrigienses.

This is, *perhaps*, the most ancient Greek manuscript extant. It was formerly the property, or rather in the possession of, Theodore Beza, the reformer of Geneva, contemporary with Calvin, and editor of a Greek Testament, first published in 1551. It is a Greek copy, with a Latin version, containing the Four Gospels in the order, Matthew, John, Luke, Mark, with the Acts of the Apostles. Beza frequently refers to this MS. in his edition of the New Testament, though he thought it had been a little nibbled at,

and corrupted by, the ancient heretics, particularly in the Gospel according to Luke. How or from whom Beza first procured it, he does not say, only that he obtained it from a monastery in Lyons in 1562. He presented it to the University in 1581, accompanied with a handsome complimentary letter, in Latin, prefixed to the MS*.

It is written in uncial letters, that is, large, quadrated letters, which have improperly been called, by some persons, Initials†, for in the times when that MS was written, all Greek letters, both in books and on monuments, were of this cast. The manuscript is mutilated in many leaves, ten of which are supplied by a more modern pen; but, in other respects, it is, in general, in good preservation. The original manuscript whence this was copied was probably written in Egypt; but that is lost: there are many reasons for believing that the present copy was written in the west‡.

By whatever means Beza obtained this invaluable book, he judged most properly in considering it as public property, and he consulted his own fame in assigning it over to the public library of one of the most learned universities in the world. Some are unwilling to charge so religious a man as Beza with plundering a religious house; yet the best critics allow that this business wears a mysterious aspect. Let us hear Greisbach.

Steph. β. seu Codex Bezæ, seu Cantabrigiensis, mihi in Evangeliis et Actis D. Tot tamque notabiles Lectiones, soli Cantabrigiensi peculiares, e suo β protulit Stephanus, ut, me quidem judice, hic liber ab illo diversus esse prorsus nequit. Nec objici potest, Stephanum innumeras Lectiones Cantabrigienses notatu dignissimas silentio præterivisse, aliisq: a Cantabrigiensibus vel penitus vel aliquantulum discrepantes laudasse: his enim vitiis ex aliis quoque libris ex-

* Vide the page preceding the Bezæ Præf. ad novum Test.—et Epist.

† Casley's Pref. to the Cat. of the MSS. in the King's Library.

‡ Millii Prolegomena in Test. Græc. p. 132.

cerpta laborare, modo vidimus. Fateor, quæ Beza de suo Evangeliorum codice, et de ratione, qua adeptus eum sit, narravit, vix vera esse, si Bezæ Codex unus idemque est cum Stephani β. Sed hoc me, ut sententiam meam abjiciam, minime movet. Quid enim, si Beza, jam grandævus et permultis negotiis et curis distractus, non satis recte meminerit, quonam modo liber ille in suas manus pervenerit, aut quænam is, qui dederat, de eo narraverit? Quid si neminis putavit interesse, totam rem, prout gesta esset, accuratissime rescire? Quid, si certis de causis ambiguitate verborum rem involvere, quam clare eloqui, maluit? Quid si is, e cujus manibus Beza codicem acceperat, retulit *relata, quam*quam a vero abhorrentia? Aut si Bezæ falsa et repugnantia narrare satius duxit, quam novissima libri fata ingenue profari? Mirum profecto videtur, coenobii Gallicani κτῆμα in Bezæ possessionem pervenisse; nec quisquam facile dixerit, quonam jure is qui e monastica bibliotheca librum abstulit, sive coenobii incola fuerit sive alienus, Bezæ eum potuerit vendere donove dare*.

But, however Beza came by it, one thing is certain, that the book must have been stolen by somebody; for, in addition to what has been observed by others, it may be noticed, that no papal or regal decree had passed in France to authorize the visitation of monasteries; and that neither Beza nor any other person could act as commissioners to bring away manuscripts, as was done under a special commission from the privy council in England†: consequently no person could have had a right to it; and whoever first took it from the library must have committed a theft.

The above extract was made rather than one from any other writer, as being connected with the passage which affirms the Beza MS. and the Codex of Robert Stephens to be the same. Wetstein makes the same assertion, and

* Greisbach in Nov. Test. Græce, *Prolegomena*, Sect. I. p. 26, 27.

† MS. Letter, Bene't College Library.

Michaelis thinks it very probable *. The most powerful argument on the other side, is, that neither Stephens nor Beza, both of whom published editions of the Greek Testament, and were extremely intimate, take any notice of this agreement. Bishop Marsh has summed up the evidence on both sides (and this is a most curious question with biblical critics) with great precision and judgment; and without delivering his own opinion, leaves the conclusion to the determination of his readers †. Let this suffice for the history of the manuscript.

Next for the antiquity.—If Beza's intimation carried any authority, that this MS. had been in the monastery of St. Irenæus, and had been there from the time of that father, this would carry some weight in ascertaining its age; or, if only his assertion be admitted, that it was corrupted by the ancient heretics, this would bring the matter to a probability, within the second, third, fourth, fifth, or sixth centuries, when the Valentinians, Sabellians, and Arians, and others, were most active ‡; but as this rests on the bare assertion of Beza, or, at least, as corrupting MSS. was practised by the Catholics, and in different periods §, as well as by heretics, this declaration leaves the matter very vague. Nor can any thing be determined from the paleness or the yellowness of the letter. Some comparatively modern writings have soon become pale or yellow, through the quality of the ink, or from the persons' mode of writing, or from the place in which the writings have been kept: but the paleness and yellowness of the writing, and other appearances, taken in connexion with the uncial form of the letters, being the most

* Introduction to the New Testament, Vol. II. p. 236, 237.

† Vol. III. of Marsh's Translation of Michaelis's Introduction, p. 668, et deinceps.

‡ Vid. Irenæus Adversus Hæres, Lib. 1. & Eusebii Eccles. Hist. Lib. 7. et albi.

§ Vid. a remarkable and valuable work, entitled, a Treatise of the Corruptions of Scripture, Councils, Fathers, &c. by the Prelates, Pastors, and Pillars of the Church of Rome, by Dr. James, formerly keeper of the Bodleian at Oxford.

quadrated too of that form, together with their having neither breathings, accents, nor the sections *, prove it to be a MS. of very great antiquity †.

Mr. Whiston supposed this MS. as old as the second century; but, though he was well read in Christian antiquities, the opinion of a man who could form such wild opinions about the apostolical constitutions, will carry but little weight here. Doctor Waterland ‡ supposed that there was scarcely such a thing to be found as a MS. of the fourth century; higher, none at all. These were both very learned men. The opinion of Montfaucon, who had not only perused almost every thing published on ancient Greek MSS. but who himself had explored all the more *valuable libraries* in Italy and France, begins only *from the third century*, and the manuscript he alluded to he said had long since perished through antiquity and rust; and he continues his inquiries thence through the fifth and succeeding centuries. Wetstein, who copied the Codex Bezæ at Cambridge, supposed it to be of the fifth, and Mr. Marsh did not think himself authorized to ascribe to it a higher antiquity §, though he at the same time, with other critics, declares his belief, that it is the most ancient Greek MS. in the world: and *this is* all that shall be attempted here on the antiquity of this Codex.

Lastly, as to the use that has been made of it.—

Of Beza's Greek Testament Mr. Porson justly observes, "as a critical work it has very little merit. Ignorant of the true use of various readings, he (Beza) seldom mentions them but to support his own hypothesis, to which godly purpose he warps both text and interpretation. He makes his commentary (as indeed he partly boasts himself) a vehicle for abuse on Origen, Erasmus, and Castalio, especially

* The *Ammonian Sections*, so called, are by a different hand.

† Præfatio ad Palæographiam Græcam—et Recensio Bibliothecarum Græcarum. Montfaucon.

‡ Critical History of the Athanasian Creed. Chap. vii. p. 99.

§ Michaelis, Introduction, &c. Vol. III. p. 715.

the latter, against whom he indulges, without restraint, *the exquisite rancour of theological hatred**." Beza, however, though he thought his Codex ought not to be published, on account of the corruptions by heretics, made great use of it himself, having observed in it, he says, *some things of great moment*. Its various readings were, I believe, first collected by Patricius Junius. Archbishop Usher collated the Elzevir edition by it ——; and he gave its various readings to Walton, who has made use of them in the sixth tome of the London Polyglot, printed in 1657.

Dr. Mill published his edition of the Greek Testament at Oxford in 1707, and it was reprinted at Rotterdam in 1710. He has treated largely on the Codex Bezæ in his Prolegomena. He says, that the Greek has been *wonderfully corrupted*, though originally derived from the very same fountains whence flowed the Italian version; and that it was corrupted by the Latin scribes†. Other critics, as learned, assert the contrary, maintaining that all the Græco-Latin Codices have been altered from the Greek, where some have supposed the Greek to be altered from the Latin‡. Mill, notwithstanding his opinion of its being a corrupted apograph from a purer exemplar, makes frequent use of it in his Greek Testament.

Wetstein published his grand edition of the New Testament, in two volumes folio, at Rotterdam, in 1731. He copied the whole, as observed before, of this manuscript at Cambridge, with his own hand. He has written very largely about it in his Prolegomena, and expresses himself with great warmth, and even bitterness, against Beza. He accuses the Greek manuscripts of being corrupted from the Latin, though he pays great deference to the Codex Bezæ, and makes frequent use of it under the mark D.

Dr. Harwood published the New Testament, collated

* Porson's Letters to Archdeacon Travis, p. 96.

† Millii Prolegomena ad Nov. Test. Græc. p. 133.

‡ Marsh's Notes to Michaelis, Vol. III.

with the most approved MSS. in London, 1776, and, from conviction that *Beza's manuscript and the Clermont MS. approached the nearest of any MSS. now known in the world to the original text of the sacred records*, he makes the former a sort of basis to his edition of the Four Gospels and Acts of the Apostles; and this circumstance (though it is very incorrectly printed) gives a value to Harwood's Greek Testament.

Professor Michaelis published, in German, *Introductory Letters* to the sacred Books of the New Testament. Four editions of it were published at Gottingen. Concerning the three first, there is a letter from Michaelis, in the *Gentleman's Magazine*, Sept. 1781. Of the first edition, an English translation was published at London in 1750, but the translator's name I do not know. In this edition Michaelis does but cursorily mention the Codex Bezæ with the other MSS. He says, in passing, *that this MS. was thought, and on good grounds, to be corrupted from the Latin version.* But he acknowledges, in his letter to Dr. Marsh, that the first edition was a work of haste, and that the learned Wetstein and himself had both formed a false judgment on these important manuscripts*. In the second vol. of his last edition, he writes largely about the Codex Bezæ†, and assigns reasons for his thinking "that its readings are for the most part genuine, and of course preferable to those of other manuscripts." Dr. Marsh, in his Translation of Michaelis's Introduction in 1793, has enlarged on some of Michaelis's observations, and corrected some of his opinions; and Dr. Marsh was favourably circumstanced by his residence at Cambridge, and no less qualified by the course of his studies, for this task.

Greisbach published at Halle, in Germany, a Greek Testament, in two vols. in 1775 and 1777; and it was reprinted

* Pref.

† Præfat. ad Edit. 2d, 1796.

at the expense of the Duke of Grafton in 1796, accompanied with a short preface, dated Jena, 1796. He vindicates his own opinion and use of the ancient Greek MSS. and thinks that his Theory of Criticism was confirmed by what he had seen published of the Cambridge (Beza) and other ancient MSS. He expresses himself strongly against Michaelis's "opinionem inveteratam de codicibus et versionibus *Latinixantibus*," which Michaelis, however, had himself then given up, and which inveterate opinion Greisbach very strongly opposes. He makes great use of the readings of the Beza MS. in his elaborate edition, which is a text book in the German universities, and in great repute among scripture critics in England.

These few slight observations are the result of such examinations of the MS. as I have occasionally made, under the correction of such writers, our best critics in these matters, as I have mentioned above: and such is the plan, which I propose following hereafter. It would be easy to enlarge; but the length of this epistle already demands an apology, which must be, that the Codex Bezæ is, perhaps, the most ancient and valuable Greek MS. extant, and that I may probably make it a sort of stepping stone in my advances to other MSS.

P. S. I sent a few pieces, and very few, relating to books in public libraries, to the Athenæum and Monthly Magazine; many papers on this subject I have by me. But I, of course, introduce nothing here but what concerns the Libraries at Cambridge. I soon dropped any particular inquiries concerning the Athanasian Creed. But that it is frequently subjoined to *very ancient* MSS. may be seen in the *Actus Apostolorum*, Bodl. and the Alex. MS. Brit. Mus. two of our oldest MSS. as well as from Archbishop Usher's *Diatribe de Rom. Eccl. Symbolo Apostolico Vetere*, and *Dr. Waterland's Critical Hist. of the Athanasian Creed.*

AN ACCOUNT OF ARCHBISHOP PARKER'S COLLECTION OF MSS. IN BENE'T COLLEGE, CAMBRIDGE.

Communicated to the Athenæum, Dec. 1807.

SOME time since I gave a short account of the libraries in the British Museum. It would be in order if I could give a similar account of all the libraries in the University of Cambridge: but an account of these would much exceed the usual length of your literary articles, and it will easily be believed, that I am by no means equal to the task. My limits and my powers, therefore, being *necessarily so circumscribed*, I shall confine myself to one library, but that, in some respects, the most important of any in the University of Cambridge, and more resembling Sir Robert Cotton's, in the British Museum *, than any in this country. I must, however, be supposed to allude to its contents, not to its size; and it will be immediately understood, that I can mean no other than that, consisting entirely of manuscripts, belonging to Corpus Christi, and the B. Virgin Mary, commonly called Bene't College.

No one acquainted with the strict law by which this library was hedged in by the founder, will expect a very particular account of its contents, except from a resident Fellow, nor from him, unless peculiarly privileged and indulged.

The law alluded to is this: "Ea enim est Lex hujus Bibliothecæ a fundatore sancita, ut neque socius aliquis solus eam adire potest, sed semper alio socio vel scholari comitatus, neque plusquam tres codices in cameram suam asportare, idque non sine licentiâ magistri duorumq: sociorum prius impetrata."

But the law of the donor here alluded to by Nasmyth is stricter still. The books were to be kept (as they still

* In reference to Ecclesiastical and English History.

are) under three locks, the keys of which were ordered to be in the possession of the Master, and of the keepers of the Billingford Hutch.

Further, the time of consulting them is prescribed. In winter seasons, the hours being from eight to eleven o'clock in the morning, and from one to four in the afternoon. In the summer, from six to eleven, and from one to five. The library also is subject to an annual visitation from the Masters of Gonville and Caius College, and of Trinity Hall. The loss of a single leaf is subject to a small fine; the loss of a whole book to a fine to be levied at the discretion of the visitors; but should it ever happen that six MSS. in folio, eight in quarto, and twelve of a smaller size, should be lost, the whole library becomes forfeited, together with all the plate left by the donor to the society.

It will be readily believed, from the nature of the law, and the great strictness with which it has been obeyed, from the first founding of the library down to the present day, that the books have been preserved entire: but this belief must be exercised no further than the Society is concerned; for it appears from the donor's MS. catalogue, which lies on the table in the library, that between the time the books were left to the College and the time they were received, there must have been committed at least some mistakes; some titles of books being in that catalogue, and yet the books themselves not to be found in the library.

As to myself, all that I shall say is this—that I have been occasionally indulged, though not a Fellow, with the perusal of MSS. deposited in this collection, and have availed myself of the labours of a person, who was not only a resident Fellow, but who employed much industry and ability in giving a report of its invaluable contents.

These MSS. then, were left to Bene't College by Matthew Parker, Archbishop of Canterbury in 1557, who had formerly been Fellow of this society, and in 1544 had been appointed Master; a man of considerable learning, and par-

ticularly conversant in the scriptures, the ancient fathers, and the antiquities of this country.

Parker's situation had been peculiarly favourable to his pursuits as an antiquary. In 1535 he had been appointed Dean of the collegiate church of Stoke Clare, in Suffolk, and continued to govern this college till the dissolution of monasteries in the reign of Edward VI. He, at that memorable period, became possessed of several valuable manuscripts, that belonged to Stoke; and, by an order of Privy Council, bearing date July 5, 1568, he, or his deputies, were authorized to view and peruse all the records and monuments belonging to the late dissolved monasteries; and thus he became possessed of many important writings relative to the history and antiquities of this country.

The collection of MSS. therefore, that we are now inquiring into, will readily be supposed to take its complexion from the character and pursuits of the founder. He was an ecclesiastic, by his profession, much interested in those studies and controversies which found employment for men of talents in the 15th and 16th centuries. It accordingly comprehends numerous writings of the ancient fathers, legends of the saints, papers relating to the disputes between the catholics and protestants, together with expositions and commentaries on the scriptures. It likewise contains some mass books and ancient liturgies, with a few psalters, gospels, and vulgate bibles. The most splendid MS. in the whole library, on account of the illuminations, is a book of the Revelations, written in the 14th century, a Latin version, with a French translation on the side, in verse. It is accompanied with an account of the coronation of the kings of England, written by the same scribe, and accompanied with a fine illumination. It is in French, and entitled "Manere de Coroner novel Roy (d'Angleterre.)" The grandest manuscript is a Latin vulgate bible, in two folio volumes, as big as a church bible: the oldest is, the Gospels, in Latin,

Here are a few old English and Saxon poems, and French romances in verse, and these not a little curious: some of them have never been printed, and the presumption is, that one of them, in old English, entitled, "The Romaunce of the St. Graal," has not even been read through for these two or three hundred years at least. It consists of more than 40,000 lines. Nasmyth acknowledges that he was deterred from the perusal of it; and Archbishop Parker himself seems to have been but imperfectly acquainted with its contents, or thought but meanly of the work.

There are scarcely any classics, and the few that are here found are neither very ancient nor of any great account. The two or three Greek MSS. are modern; there is, however, a fair MS. of Terence's plays, as old as the twelfth century.

Numbers CVI. CVIII. CXVIII. and CCXLII. contain many curious papers relative to the ancient customs, laws, and privileges, of the University of Cambridge. These have often been of great consequence as books of reference, and many of them are copied by Strype, in his Life of Archbishop Parker, and by Baker and Cole, into their valuable collections. A curious book, containing an account of the rentals, property, &c. of the college, as old as 1376, together with other papers in this library, as containing some of the archives of the house, were of great use to Mr. MASTERS, in writing his useful work, the History of Bene't College.

Number CXIV. entitled Epistolæ Principum, contains two Letters from Pope Julius II. to Henry VIII.; Henry VIIIth's recommendatory Letter for Dr. Parker to be appointed Master of Bene't College; one from Queen Catharine, and some of Queen Elizabeth's; but most of them are letters written to Parker himself, when Archbishop of Canterbury, from different persons, nobility and gentry, sometimes on private business, and sometimes on

matters of a more public nature. No. CXIX. entitled "Epistolæ Virorum illustrium," answers its title more exactly, being all from distinguished men, either princes, nobles, or reformers.

But the most interesting, useful, and characteristic part of the present collection embraces the history, laws, antiquities, and government, of this country. It includes histories of England, annals, chronicles, polychronicons, Saxon laws, a few in the Saxon character, constitutions, &c. It comprehends, of course, what must be called the fabulous, no less than the genuine and true history of Britain.

It was in reference to this part of the collection that Dr. Fuller, in his History of Cambridge, called it "the Sun of English Antiquity, till it was eclipsed by that of Sir Robert Cotton," and as Mr. Masters adds, "very justly, since it contained more materials relating to the history of this kingdom, both civil and ecclesiastical, than could have before been met with any where else."

With respect to the antiquity of these MSS. the greater part of them are of the 14th, 15th, and 16th centuries; several of them of the 11th, 12th, and 13th; some of the 10th, and a few of the 9th. The Latin Gospels alluded to above is two or three centuries older.

But thus much must suffice for the present.—The libraries of the University of Cambridge are a vast object, and I must leave it abruptly:

Ως δ'οτ' ανηρ ——
Στηη ιω' ωκυροω ωοΐαμω αλαδε ωροριοντι,
Αφρω μορμυροντα ιδων, ανα τ'εδραμ' οπιοσω.

ILIAD. E. V.

With respect to this library, concerning which a few imperfect hints have here been thrown out, it has been frequently lamented that so useful a repository should be so scrupulously guarded. But before we judge of actions, we should trace the causes: we should inquire into the circumstances of the time in which Archbishop Parker lived, and

not too hastily say, that he marred a noble present by the ungracious manner in which it was conferred.

Prior to the invention of printing, people could have only MSS. and these were very scarce and valuable; the consequence was, that the temptation to steal them was very great. And even some years after the invention of printing, the books in circulation were very few, and very liable to be purloined. This occasioned the monks often to prefix to their books the most serious warnings, and the most direful anathemas. At the time Caius published his History of the Antiquities of Cambridge, he informs us, that most of the books had disappeared from the Public Library, and similar spoliations had been committed at Oxford.

We should then consider the untoward circumstances of the times, of which Parker could not fail to have a perfect recollection; and though we may lament the severity of the law, we shall easily find an apology for the Archbishop.

Various other benefactions were bestowed on this society by Matthew Parker; and the College-library was enriched by him with many printed books. These must, of course, have been some of the early printed ones, and on that account, if on no other, must be valuable. These things, however, I shall not attempt to discuss now.

P. S. I have already taken some notice in the present Work (the Privileges, &c.) of this Library. This present account is more particular. Mr. Tyson, formerly Fellow of this College, a well-informed antiquary, published (in 1770) *An Account of an illuminated* MS. in this Library; a French Translation of Cardinal Bonaventure's Life of Christ. It is deemed very curious, more particularly on account of a genuine Portrait of our illustrious King, treshault, tresfort, et tres victorieux, Prince Henry Quint, &c. as it reads in the MS.—Of the Pepysian Library, Magd. Col. an account is given in another part of this work.

LETTER

To the Editor of the Athenæum.

WICKLIFFE'S NEW TESTAMENT, AND SOME OTHER MSS. IN EMMANUEL COLLEGE LIBRARY.

I AM obliged to your correspondent E, for setting me right concerning the person who presented Wickliffe's Bible to St. John's College, in the University of Oxford, and for his manner of doing it, in admitting that the error was but a slight one. The truth, indeed, is, that book was not the subject of my inquiry: I did but incidentally mention what I had very cursorily examined. Had that MS. been the subject of my paper, I should have been more minute in my inquiries. I had perused Wickliffe's Bible in this library some time since, and concerning its donor, as I had made no memorandum, I spake from recollection. It occurred to me, that a member of the society informed me, if I recollect right, that the book was one of those given by Laud; and an Oxford antiquary, not over remarkable, I own, for his correctness, has so expressed himself, as might easily have led one, speaking from memory, to the same conclusion. However, your correspondent is, I find, right: and (as I have collected) from his local situation, and his well-known acquaintance with the books in St. John's College Library, was likely to be so.

Your correspondent says, "there is a MS. of the Testament (meaning Wickliffe's Translation of the New Testament) at Emmanuel College." There are three copies of a Translation, *ascribed* to Wickliffe, in Emmanuel College Library; one a folio copy, comprehending the Old and New Testament, as that in St. John's College Library in Oxford does: the other two contain only the New Testa-

ment, like that in the Library of Worcester Cathedral. Whether they are copies of the same version, though somewhat differently translated, I cannot now ascertain, not being on the spot to examine *.

This circumstance I notice here, to guard against a misconception of what was said in a former paper. I said that Matth. iii. 4. ἀκρίδες, Locustæ, Locusts, was translated, hony soukis. Now I recollect, that on turning to this passage in the folio copy in Emmanuel College Library, it read honysoklis, or honysocles, I forget which; and so, *probably*, it will be found to read in the folio copy in St. John's College Library, and others. I recollect, *also*, seeing the same word, Locustæ, translated in the *small* copies in Emmanuel Library, containing only the New Testament, *hony soukis*, in the same manner as it reads in the copy belonging to Worcester Cathedral Library. Bishop Wilson in loco also has noticed this reading, hony soukis, in Wickliffe's translation; but they are the same words differently spelt.

The above Letter, the reader will perceive, was in consequence of one communicated by a learned gentleman on something said by me in a former number of the Athenæum.

The reader perhaps may not dislike a specimen of this old Translation.

Matt. iii. "In tho dais Jon Baptist cam: and prechid in the desert of Judee and seed do ye penaunce for the kingdom of hevenes shall neighe: for this is he of whom it is seid bi isaye the profete seyng, a vois of a crier in desert!

* On since collating these three books, at least the prefaces, and third chapter in each book, and finding them exactly alike, except where a few words are spelt differently in the different copies, I conclude, they are one and the same translation. Nothing, indeed, is more common than for the same word to be spelt differently in the same book (of our old English writers, Wickliffe and Chaucer) frequently in the same paragraph, and even the same line.

make ye redy the weies of the Lord, make ye right the pathis of him; and this Jon hadde clothing of camel's heeris, and a girdle of skyn aboute his leendis and his mete was honysocles and hony of the wode. Thanne Jerusalem wente out to him and alle Judee and all the countre aboute Jordan: and thei werin washe of him in Jordan."

In one of the smaller copies is written as follows:— "Wickliffe's Translation of the New Testament, was finished 1383, and this copy was written A. 1397. See *(in the MS.)* the bottom of the Calendar of the month Feb."

Having an opportunity of examining the MSS. of Emmanuel College Library, at present, I cannot refrain from adding a few words more.

I have had occasion to notice somewhere that Emman. Col. Libr. contains one of the best collections of printed books in the University. In MSS. it is not so abundant as several others, particularly Trinity, Peter-House, Caius, Bene't, and Pembroke Hall; still it possesses many, and some are very valuable ones: a few, deemed perhaps the more curious or valuable, shall be noticed.

1. A duodecimo, elegant, and deemed valuable, though not *very* ancient, containing Paul's, and the Catholic, Epistles, beginning with the latter. It is mutilated in a few places: and is not clear till 2 Pet. 2. 4.; and there is also a chasm from Heb. ii. 27, to the end of that Epistle; its different readings have been noticed by some of the more eminent critics. It was given to the Library by Samuel Wright, formerly alumnus of this College.

2. Herodotus's History, very elegantly written: it formerly belonged to Archbishop Sancroft. Dr. T. Gale collated it for his edition of Herodotus, but, as Mr. Professor Porson has observed, in a note written at the beginning, very negligently. Dr. Askew collated it more carefully, for the splendid edition of Herodotus, put forth by his friend, Wesseling. But there are some things omitted in this collation; and this will almost necessarily happen, where a great

part of the various readings relates, as they do here, to the preserving or neglecting the order of the *Dialects*. Mr. Porson, therefore, concludes, Dignus certe hic Codex, qui si iterum edetur Herodotus, paullo accuratius iterum examinetur. It has not, I think, yet been so.

Prefixed to this MS. is a treatise in Greek, by the same hand, on the Idioms of the Ionic Dialect, with this title:

Αρχη συν Θεω των ιδιωματων της Ιαδος Διαλικτου.

The Copyist ends the work in the same devout manner. At the end is written thus:

Ηροδοτοιο βιβλοις χλειτοιο τριας λαβεν ωδε.

It appears to be not a very ancient MS. but it is reckoned a valuable one, and is entire.

3. A very fine Heb. MS. of the Bible, in 3 vols. fol. Given by Dr. Will. Bedell, Bishop of Dromore, in Ireland, who had been Fellow of this College. He took his degree in 1599. He had been chaplain to Sir Henry Wotton, when ambassador at Venice; and applying himself to the study of the Heb. language, he procured this MS. through the means of B. Leo, the chief Chacham of the Synagogue. It is said to have cost its weight in silver. See the Bishop's Life, by Bishop Burnet.

Though not so old as *two* others, which might be pointed out at Cambridge, yet it possesses considerable antiquity; perhaps 5 or 600 years old.—It has the vowel points, accent, and keri. It is written in columns, but not with the spaces:—it has no coronis. As it was brought from Venice, we are told, it may be considered as a fair specimen of the *mixt* Italian character*.

4. A fine MS. in four volumes folio, on vellum, of St. Chrysostom's Homilies: it was presented to this Library

* See Rossi, de Vet. Test. var. Lect. P. 1, C. xix.

by the present Dr. Samuel Parr. It appears to be of the 10th or 11th century; as I possess myself a fine MS. copy of Greg. Nazienzen's Orations, much resembling it both in age and character, which is of about that period.

This Codex contains the last part of the first Homily, the second, and onwards, to the fifteenth inclusive. Vid. Editionem Sancti Hieronymi Savilianam Impressam Etonæ, A. 1612. This reference is made in the Codex.

5. An Essay by Sir Matth. Hales, concerning the soul, written 1673. This also was given to the College by Dr. Parr, who received it from Will. Hargrave, Esq. barrister, Lincoln's Inn, who had purchased it with some other MSS. by Sir Matth. Hales.

It is not in Sir Matthew's own hand-writing. The original of this Treatise, with his own hand-writing, was copied in 1692: it having been lent to Sir Robert Southwell, for that purpose, by his grandson, Matthew Hales, Esq. Lincoln's Inn.

6. *Ciceronis Officia*; though not a MS. is justly placed among the MSS. Joshua Barnes seems to have thought, *almost*, that it was a MS. "impressa, quoq, ut *vulgo putatur*." It was printed at Mentz, in 1465. Ramus, according to Palmer *, thought this edition the first book printed; erroneously enough: for if what Palmer says is correct, it was the last printed by Faust at Mentz. An ample account is given of this edition, amidst many discussions, by Maittaire, and other lexicographers. Mr. Dibdin, our modern lexicographer, says, he has seen two copies of it in the sumptuous library of Lord Spencer; and that his Lordship, having collated them, found them vary†: when, therefore, Dr. Harwood says, "The editio Princeps fol. mogunt. apud Joannim

* *Ciceronis Officia*, quæ primum omnium librorum typis æneis impressa sunt. P. Rami Schol. Matthem. Lib. 2. as quoted by Palmer in his "Art of Printing," p. 81.

† Introduction to Rare and Valuable Books, &c. 2d edit. p. 101.

Fust. 1465," that it is undoubtedly one of the noblest books in the world, and that a copy sold at Dr. Askew's sale for 90*l.**, he must speak of that other edition, which I have not seen. For the Emman. copy is small 4to. Be these matters as they may, whoever compares together this edition of 1565, that of 1566 (in the Pub. Libr. Camb.), and that of the *Rhetorica* of Cicero, which is also in the same Pub. Libr. will see how rapidly this most wonderful art of printing reached, almost to perfection.

7. Demetrii Chalcondylæ Erotemata, et *Moschopuli Syntaxis:* this, too, though printed, deserves a place in any library of MSS. It is a sort of Greek Grammar, in pure Greek, of a fine type, fol. printed at Milan, but without a date, placed by Palmer in 1499. Chalcondylas was a native of Constantinople, and this book, with those of other countrymen of his, who fled to Italy, towards the end of the 15th century, seems to have been the basis of our early Greek Grammars †.

This is a rare and valuable book; and there cannot be a more beautiful copy than this Emmanuel one.

8. The Psalms of the Passion, &c. in Old English, on vellum, of the time of the latter end of Rich. II.

9. Statii Thebaidos; the entire work, well written, in small characters.

10. Among the numerous writings of the celebrated Jos. Barnes, (of which some notice is taken in another part of this work) may be mentioned his Latin Poem, in eight books, entitled Franciados, to which he alludes in his Greek Epilogus to Homer's Odyssey, and also his Latino-Græcum Lexicon, which appears to be valuable, and of which the learned editors of Stephanus's Greek Lexicon, (a splendid new edition of which is now carrying on) have, at present, the loan, for the purpose of that publication.

* View of Various Editions of Greek and Rom. Classics, 3d edit. p. 177.

† See the Preface to the Port-Royal Greek Grammar.

11. Of the Eastern MSS. also, a slight mention has been made, in the same place, together with the English descriptive Catalogue, made by Sir William Jones, (and is in the Library) when he took his Master of Arts degree from this college.

The above slight sketch, and of only a very few MSS. is given, without any regard to order, according to my different opportunities for perusing them. There are certainly very many more, and some, no doubt, valuable of their kind. But this is all that it was thought necessary to attempt. *The Psalms* of David, &c. and the Statii Thebaidos, were taken on credit from Joshua Barnes. But I *find* they are in the Library.

I have elsewhere taken notice of this Library, and given a short account of the *picture* Gallery, for which, in the proper place, an apology was made; which it is not necessary to repeat here.

LATIN MANUSCRIPTS

IN THE

PUBLIC LIBRARY.

N. B. The Latin MSS. perhaps, make a third of the whole. I have, of course, been obliged to be select; and have only inserted here such as relate to the Scriptures, the Latin Fathers, and Latin Classics. It ought to have come in immediately after the Greek MSS. p. 603. But, through distance, I was obliged to study my opportunities and convenience.

SANCTI Ambrosii Pastorales. 21. 2—Multa alia ejusdem in Tractat. distinctis. Item Ambrosii Opp. quædam collata cum MSS.

Anselmi; Cur Deus Homo. 21. 4. & varii ejusdem Tractat. in MSS.

Appianus de Rebus gestis per Romanos et Carthagin. in Hispania. 1053. 1.

De Rebus gestis per Hannibalem in Italia. 1053. 2.

De Bello Civili. 23. 17.

Aristotle. Varia ejus opp. latine versa. 61. 1.

Augustinus; Retractationes, Confessiones, 1738. 2. cum aliis tractat. quamplurimis.

Biblia Latine Vulgata, 6. 14. Partes diversæ Vet. et Nov. Test. in distinct. vols.

Biblia, Expositiones anon. in Part. var. Vet. & Novi Test.

Cæsar de Bell. Gall. Commentarii, & Bellis Civilibus. 2522.

Cato. Distycha. 1552. 27.

Chrysostomus. Homiliæ super Matth. Opus. imperf. 559. 1968. cum aliis paucis Chrysostomi in Lat. versa.

Cicero. Synonyma. 174. 2.

Rhetorica. 1870. 3.—Item alia varia Ciceronis in distinct. part. MSS.

Cornelius Nepos. Vita Pomponii Attici. 1684. 8.

Historiæ Virorum Illustrium. 2528.

Cyrillus Alexandrinus. Liturgia. 23. 2.

Cyrillus Hierosolomytanus. Epist. ad Augustinum de Miraculis post mortem Hieronymi. 1494. 4.

Cyprianus. Vita Dæmonum, vel secretum Sigillum Cypriani. 210. et alii, Duo vel tres, ejusdem Tract. in distinct. lib.

Evangelia Dominicalia. 1422.

Evangelium Sti. Jacobi. 1376. 1.

Evangelium Nicodemi. 1164. 3. cum aliis Exemplaribus.

Fulgentius, Mythologiæ. 2262. 7.

Sermo. 1337. 6.

Gregorius Nazian. Liturgia. 232.

Homiliæ. 2471. 19.

Hieronymus. Epistolæ, 39. 409, 410, &c. cum aliis variis ejusdem in distinct. vols.

Horatius. Opera. 864. 2569.—Quædam Hor. Exemplaria prelo commissa. cum not. MS. D^rum^. Taylor, Chishull et aliorum.

Isocrates. Oratio ad Demonicum. 2119. 6.

——— ad Nicoclem de Regno. 2119. 8

Justinus. Historia. 1861. 1970. 11.

Juvenalis. Satyræ. 2562.—Multa Exemplaria cum not. MSS.

Macrobius. Saturnalia. 1292. 2.

Macrobius. Abbreviatio Saturnal. 2296. 12.
In Somnium Scipionis. 2389. 1. 2089. 3.

Martialis. Excerpta ex Epigrammatibus. 2296. 15.

Origenes. Expositio in Epistolam ad Romanos. 1218. 1.
Alia varia Originis in Tom. distinct.

Ovidius Metamorph. 2121.
Collectarum Fabularum, in xv. Libros Metamorphoseωn Abbreviatum. 2296. 18.

Paterculus. Elogia Virorum illustrium ex Paterculo excerpta. 308. 2.

Plautus. 9 Fab. 2509.

Plinius. Hist. Nat. 454. 1.
De Viris Illustribus. 454. 2.

Polybius. Romanorum Respublica, ex sexto Historiarum libro. 1053.

Platonis. Epistolæ. 2064. 7.

Priscianus. Libri xvi. priores, cum Libro de Accentibus. 1337. 11.
—— Varia etiam excerpta ad Priscianum pertinentia.

Prosper Aquitanus. Epistola ad Augustinum. 424. 4.
Cum aliis Prosperi.

Prudentius. Liber Historiarum. 1119. 6. 1552. 7.
Psychomachia. 1552. 6.

Psalteria. Latina, varia.

Sallustius. Oratio in Ciceronem. 788. 21. 1306. 3.
De Conspiratione Catilinæ. 1306. 1. cum aliis Exemplar.
De Bello Jugurthino. 1306. 2. 1884. 2.

Sedulius. Paschale Carmen. 1119. 1. 1552. 2.
Canticum. 1119. 2.

Senecæ. Tragœdiæ. 521. 2147. 2511.
Constitutio de Moribus. 892. 4.—Item, quædam alia Senecæ opp.

Suetonius. Vitæ Cæsarum. 597. 2056.
Liber Illustrium Virorum. 1608. 1.

Terentius. 1267. 1326.
Tertullianus. De Deo Angelo et Homine. 1801. 6.
Valerius Maximus. Lib. ix. 1556.
Virgilius. Opera. 1032. 2521.
Culex. 2060. 16.
Ætna. 2060. 17.

N. B. The following are additions to the list of Greek MSS. in the Public Library: that list was selected by me at different times, according to different opportunities, and amidst other pursuits that were the subject of my inquiries. The last time I visited Cambridge, I was obliged to leave my business abruptly, my list not being completed, on account of other business in town. A friend resident at Cambridge kindly undertook to furnish me with a few remaining articles, the sheet containing the list being then in the press. As two or three articles were sent, which did not properly belong to my list, and have therefore been set aside, there may also be a few omissions, which my present distance from Cambridge prevents my supplying. If there are *any* such, it is hoped they will be very few. This list also, as well as those above of Greek, Eastern, and Latin MSS. I communicated to the Classical Journal.

Pletho. In Zoroastreia.
Plutarchus. Moralia, cum Notis MSS. Jo. Taylor.
Dicta Regum et Imperatorum, &c. cum Notis MSS. Joh. Taylor.
De Virtute et Malitia, et de Poetis Audiendis, cum Notis MSS.
Opera, cum Notis MSS. Isaaci Casauboni.
Poetæ Græci. Cum Notis MSS. Jos. Barnes.
Cum Notis MSS. Is. Casauboni.

Polybius. Casauboni. Cum Notis MSS.
Proclus. De Usu Astrolabii.
In Syntaxin Ptolomei.
Commentarius in Platonem de Republica.
De Lectura Republicæ Platonis.
In Timæum Platonis.
De Hypothesibus Astrologicis.
Procopius Cæsariensis. Epitome Lib. 1. de Edificiis Justiniani.
Procopius Gazæus. Epitome Collect. in Genesin.

Scaligeri Emendationes MSS. in Herodotum.
Notæ MSS. in Rhetores Veteres Græcos.
Notæ MSS. in Clementem Alexandrinum.
Severi Sophistæ. Orationes.
Sophoclis Tragœdiæ. Cum Notis. Joan. Taylor.
Cum Notis MSS. Ant. Askew.
Cum Notis MSS.
Scholia in Sophoclem.
Thomæ Stanleii Adversaria in Sophoclem.
Meursii Sophocles, cum Notis MSS. Th. Stanleii.
Statius. Opera, collata cum MSS. per Petrum Francium.
Suidas Lexicon, cum Notis MSS. Joan. Taylor.
Symmach. Epistolæ, collat. cum Notis Codd. MSS.
Synesii Epistolæ.
Syrianus Philoxeni. In Aristotelis Metaphysica.

Tarasius, C. P. Epistola ad Adrianum.
Taylor, Joannes. Notæ in Suidam.
Notæ in Xenophontem.
Plutarchum.
Homerum.
Lysiam.
Sophoclem.

Taylor, Joannes. Notæ in Herodotum.
Apollonium Rhodium.
Orationes Demosthenis.
Longinum.
Æschylum.
Aristotelem de Poetica.
Epigrammata Græca.

Theocritus, cum Notis MSS.

Theodoreti. Lexicon de Spiritibus, ex Operibus Theodoreti.

Theodori Scythopolitan.

Theodosius Alexandrinus. De Prosodiis.

Theon. Scholia in Syntaxin Ptolomei.
Cum Notis MSS.

Theophylactus. Dialogus.

Theophilus Alexandrinus. Epistolæ Canonicæ.

Thucydidis Historia.

Tryphodorus. Vid. Theodoretus.

Xenophon. Encomium Agesilai, Œconomica et Hiero.
Opera omnia cum Notis MSS. Joan. Taylor.

END OF VOL. I.

BARNARD AND FARLEY,
Skinner Street, London.

UNIVERSITY OF MICHIGAN
3 9015 00698 4408

DO NOT REMOVE
OR
MUTIL
32266 DUPL